LAWS108

Law, Lawyers and Society

S1 External 2016

Dept of Law

Contents

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General Information

Unit convenor and teaching staff
Unit Convenor
Lise Barry
lise.barry@mq.edu.au
Contact via lise.barry@mq.edu.au
W3A507
TBA

Credit points
3

Prerequisites
LAW115

Corequisites

Co-badged status
This unit is co-badged with LAW208

Unit description
This unit focuses on the institutional arrangements of public and private law and the role of the legal profession(s) in their administration. The unit covers the history and profile of the legal profession, the development of ethical reasoning and application of ethical systems to legal practice. Importantly the unit focuses on discrete problems of legal ethics such as confidentiality, access to justice, truth in the adversarial system, conflicts of interest and relationships between lawyers, clients and society. The unit introduces students to general skills of ethical problem solving and to the importance of sound communication skills for the practise of law.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at https://www.mq.edu.au/study/calendar-of-dates

Learning Outcomes

On successful completion of this unit, you will be able to:

Describe and explain the role of the lawyer in Australian society

Identify different theoretical approaches to legal ethics and relate these approaches to a range of problems and settings

Explain and apply the law of professional responsibility that regulates the practice of law in Australia including duties owed to the court, to the client, to practitioners, and to the community.

Explain and apply communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills

Apply the principles of plain English to written communication for a variety of audiences and in different formats

Develop legal research skills, including the ability to search for relevant primary and secondary sources

General Assessment Information

Students should be aware of and apply the University policy on academic honesty.

In the absence of a successful application for Disruption to Studies made online via Ask.mq.edu.au, late assessments will not be marked and will receive a grade of 0. All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no submissions will be accepted after the due date and time, including instances where students upload the question or an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing.

Assessment Tasks

Name	Weighting	Due
Tutorial Participation	0%	weekly
Early quiz	10%	9pm Wednesday 23rd March
Ethics essay	25%	9pm Wednesday 6th April
Ethics skills	45%	9pm Wednesday 25th May
Final Quiz	20%	9pm Wednesday 15th June

Tutorial Participation

Due: **weekly**
Weighting: **0%**

Participation is Pass/Fail. You must pass this aspect of the course in order to pass the Unit.

Tutorials in this unit only work if all students attend and give the entire group the benefit of their views based upon the readings and their experience.

Specific readings and exercises will be set for each tutorial. The tutorial program is set out on iLearn in a weekly format.

External students will be assessed on their participation at the compulsory on-campus session to be held on the 16th and 17th April.

External students should also undertake the readings and look at the exercises for the tutorials, as this material will form the basis for the activities undertaken at the on campus session. More information on the structure of the on campus session will be provided closer to the time on ILearn.

You must attend all tutorials. You are required to participate in the tutorial role plays, discussions, debates, reflective exercises and any other activities. Tutors will engage in ongoing assessment of student participation using the following criteria:

1. Preparation and understanding of material: the student has listened to the lecture materials and other learning resources provided online, read the required reading and has attempted to link the tutorial materials to the lectures, to other course materials and to their life experience

2. **Ability to critically discuss the material**: the student is able to critically discuss the tutorial materials and contributes to class discussions in a way that assists the learning of others

3. **Clear expression of ideas**: the student is able to clearly express their ideas about the materials

4. **Engaging with other students**: the student engages with others in the class taking an active role in discussions, role plays, debates and other activities assigned by the tutor. The student responds to others in the class by listening to them, providing constructive feedback and asking questions.

5. **Demonstration of skills**: The student is able to demonstrate communication skills including listening skills, interviewing skills, cross cultural communication skills and negotiation skills.

From time to time, tutors will collect examples of student work completed in tutorials. Tutors may set impromptu quizzes in class or at the on campus session to assess a student's knowledge of the tutorial preparation material.

If you cannot attend a tutorial you must send a message to your tutor on iLearn to inform them of your absence. Your tutor may assign you work to complete in lieu of attendance.

Extended absences of more than two tutorials must meet the criteria for Disruption to Studies. Applications for Disruptions to Studies are made online at ask.mq.edu.au in response to a serious and unavoidable event.

Tutors will raise any concerns about poor participation with the student involved. Students will be given an opportunity to submit remedial work where there are concerns about participation or unexplained absences.

On successful completion you will be able to:

- Describe and explain the role of the lawyer in Australian society
- Identify different theoretical approaches to legal ethics and relate these approaches to a range of problems and settings
- Explain and apply the law of professional responsibility that regulates the practice of law in Australia including duties owed to the court, to the client, to practitioners, and to the community.
- Explain and apply communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills
- Apply the principles of plain English to written communication for a variety of audiences and in different formats
- Develop legal research skills, including the ability to search for relevant primary and secondary sources

Early quiz

Due: **9pm Wednesday 23rd March**
Weighting: **10%**

This is a time limited quiz to test student's understanding of the early materials from Weeks 1 - Week 4.

Students can open the quiz at any time after 7pm. The quiz will automatically shut down at 9pm. Students will have 20 minutes to complete the quiz from the time that they open it. When twenty minutes has expired, all saved answers will be automatically submitted.

On successful completion you will be able to:

- Identify different theoretical approaches to legal ethics and relate these approaches to a range of problems and settings
- Explain and apply the law of professional responsibility that regulates the practice of law in Australia including duties owed to the court, to the client, to practitioners, and to the community.

Ethics essay

Due: **9pm Wednesday 6th April**
Weighting: **25%**

Please refer to iLearn for full details of the essay topic.

This essay will test students understanding of ethics theory. Students will also be assessed on their ability to apply the principles of plain English.

All work is to be submitted via Turnitin on iLearn

Late submissions will not be marked and will receive a score of 0.

On successful completion you will be able to:
- Describe and explain the role of the lawyer in Australian society
- Identify different theoretical approaches to legal ethics and relate these approaches to a range of problems and settings
- Explain and apply the law of professional responsibility that regulates the practice of law in Australia including duties owed to the court, to the client, to practitioners, and to the community.
- Explain and apply communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills
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Ethics skills

Due: **9pm Wednesday 25th May**
Weighting: **45%**

In this paper students will be required to reflect upon the application of skills to legal ethics, including a reflection on their own skills development.

Student responses are expected to be well researched and to reference both the law and theory of professional responsibility.

Students will also be assessed on their written communication skills, particularly their ability to apply the principles of plain English.

The maximum word count for this assessment is 2000 words.

All work is to be submitted via Turnitin on iLearn

Complete assignment details and marking guide will be released on iLearn.

Late submissions will not be marked and will receive a score of 0.

On successful completion you will be able to:
- Describe and explain the role of the lawyer in Australian society
- Identify different theoretical approaches to legal ethics and relate these approaches to a range of problems and settings
- Explain and apply the law of professional responsibility that regulates the practice of law in Australia including duties owed to the court, to the client, to practitioners, and to the community.
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Final Quiz

Due: **9pm Wednesday 15th June**
Weighting: **20%**

This is a time limited quiz of one hour to test students' understanding of all the unit materials from week 1 to week 12.

Students can open the quiz at any time after 7pm. The quiz will automatically shut down at 9pm. Students will have one hour to complete the quiz from the time that they open it. When one hour has expired, all saved answers will be automatically submitted.

Some of the questions will relate to a problem scenario that will be released for reading prior to the quiz.

Full details will be released on iLearn.

On successful completion you will be able to:
- Identify different theoretical approaches to legal ethics and relate these approaches to a range of problems and settings
- Explain and apply the law of professional responsibility that regulates the practice of law in Australia including duties owed to the court, to the client, to practitioners, and to the community.

Delivery and Resources

There are no "live" lectures for this unit. This unit is delivered via online learning content and a

weekly two hour tutorial from weeks 2-12 for internals and a compulsory two day on campus session for external students.

The required text is: Lise Barry (ed) *Lawyers: Roles, Skills and Responsibilities* (Thomson Reuters, 2nd ed, 2015). Available from the Macquarie University Co-op Bookshop

Additional reading will be available via iLearn and the unit reading list maintained by the library.

Students require access to a computer and a secure and reliable server. All Unit requirements and a weekly teaching and reading schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin

Unit Schedule

The complete schedule of readings, learning materials and tutorial requirements is outlined on iLearn

Week 1

What it means to be a professional

No tutorials in week 1

Week 2

Introduction to Legal Ethics

Overview of regulation of the profession

Week 3

Duty to the client

Week 4

Fiduciary duties and the duty of care

Week 5

Conflicts of interest

Week 6 **Confidentiality and privilege**
Week 7 **Duty to the court**
Week 8 **Ethics in criminal law and in negotiations**
Week 9 **Duty to the community**
Week 10 **Costs and Duty to Account**
Week 11 **Duty to the profession** **Admission**
Week 12 **Discipline and regulation**
Week 13 **Revision**

Learning and Teaching Activities

Client interview role plays

Students will engage in mock client interviews and will be given the opportunity to practice core

interview skills

Written communication activities

Students will prepare correspondence to apply plain English techniques

Small group discussion

Students will be presented with a variety of legal problems related to the application of the law and principles of professional responsibility and will be expected to engage in class discussions, debates and other activities to develop their ethical deliberation and problem solving skills

Mock negotiation

Students will participate in a mock negotiation

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central. Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy.html

Grading Policy prior to Session 2 2016 http://mq.edu.au/policy/docs/grading/policy.html

Grade Appeal Policy http://mq.edu.au/policy/docs/gradeappeal/policy.html

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the Learning and Teaching Category of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au.

Law School Assessment Policy

In the absence of a successful application for Disruption to Studies, late assessments will not be marked and will receive a grade of 0%. Applications for Disruption to Studies are made online at ask.mq.edu.au

Word limits are strictly applied and anything beyond the word limit will not be marked.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- Workshops
- StudyWise
- Academic Integrity Module for Students
- Ask a Learning Adviser

Student Services and Support

Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the Acceptable Use of IT Resources Policy. The policy applies to all who connect to the MQ network including students.

Changes from Previous Offering

The second written assessment has changed from a problem based question to an examination and reflection on skills for legal practice.

The timing for the quizzes has changed.