



LAWS806

Applied Legal Ethics

S3 Block 2016

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

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TBA - see iLearn page

Lise Barry

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Credit points

4

Prerequisites

Admission to JD or GradCertLaw or GradDipLaw or LLM

Corequisites

Co-badged status

Unit description

In this unit students will be encouraged to develop an ethical approach to the study and practice of law. Ethical problems may present in diverse ways, including problems of confidentiality, access to justice or conflict of duty and interest. The lawyer's role in the resolution of these problems is examined in the context of the common law, statute, professional rules of conduct and diverse theoretical approaches to legal ethics. The lawyer's relationships with their client, the court and other legal practitioners as well as with the general public are strengthened through development of skills such as listening, interviewing and negotiation. The unit also emphasizes continued improvements in academic writing skills, concentrating on structure, legal language and issues of academic honesty.

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:

Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.

Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.

Apply the law of professional responsibility relevant to lawyers in Australia

Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.

Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Assessment Tasks

Name	Weighting	Due
Tutorial participation	20%	Ongoing
Short answer questions	30%	16 January 2017 at 8pm
Essay	50%	Monday, 23 January 2017 at 8pm

Tutorial participation

Due: **Ongoing**

Weighting: **20%**

Active participation

'Active participation' means much more than simply turning up for the on campus sessions. Students will also be assessed on:

- Their level of engagement in the discussions and activities during classes;
- Their understanding of the legal, ethical and moral issues, applicable rules and law evidencing their engagement with the set readings & online lecture materials.
- Online participation in the forums throughout the period of s3 - and not only during the on campus session.

This unit works best when all students attend and give the entire group the benefit of their views based upon the readings and their experience.

ONLINE FORUM DISCUSSIONS: All students are expected to join in the online Forum discussions. You may respond to the questions or observations made by others, or post your own question or discussion point about the law or some legal issue currently in the news. The point is to get involved in the discussion! Hopefully we'll have some fun with it as we learn from each other.

TOPICS 1-13 on iLearn cover the material normally taught over 13 weeks. Specific readings and exercises are set for each Topic. Students should work through each topic making sure to read the set readings, watch the lectures and make any notes or questions you would like to discuss in class. If there are things you don't understand, **post your question on the Forum**.

ON CAMPUS PROGRAM: A program for the on campus sessions will be posted on iLearn. All students are required to attend the sessions on the **11th to 13th January**.

Students are required to participate in the role plays, online and face to face discussions, debates, reflective exercises and other activities. The tutor will engage in ongoing assessment of student participation. A rubric will be provided on iLearn.

ON CAMPUS PREP: Students will notice that under each TOPIC heading there is an 'On Campus Prep' section which involves an activity to complete. These will be discussed in class **BUT SHOULD BE PREPARED BEFOREHAND**. While these activities will be discussed in class, **some of this work will be collected by your tutor and will count towards your participation mark**.

ABSENCES: If you cannot attend an on campus session **you must apply for Disruption to Studies** and support your application with the appropriate documentation. Applications for Disruption to Studies are made online at ask.mq.edu.au.

On successful completion you will be able to:

- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.
- Apply the law of professional responsibility relevant to lawyers in Australia
- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.
- Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Short answer questions

Due: **16 January 2017 at 8pm**

Weighting: **30%**

This assessment is designed to encourage students to consider and reflect on a range of legal ethics and moral principles covered in the Unit. Your answers will be submitted electronically via Turnitin and marked electronically. You must include references to scholarly sources outside of the textbook materials. Students must apply the principles of plain English in their writing.

Students are required to answer all four of these questions in no more than 350 words for each question. This means that your answers must be very focused and concise because, although brief, you will need to show an understanding of the relevant rules, law and scholarly materials.

The four questions will be released on iLearn.

On successful completion you will be able to:

- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.
- Apply the law of professional responsibility relevant to lawyers in Australia
- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Essay

Due: **Monday, 23 January 2017 at 8pm**

Weighting: **50%**

In this paper students will be asked to provide a response to a question of legal ethics. Students will be required to be familiar with a variety of models of applied legal ethics in order to justify their ethical decision making choices.

Student responses are expected to be well researched and to critically reflect upon and analyse both the law and theory of professional responsibility for lawyers.

Students will also be assessed on their written communication skills, particularly their ability to write in plain English.

The maximum word count for this assessment is 2500 words.

Assessments will be submitted online via Turnitin and must comply with the Macquarie University Policy on Academic Honesty and the Macquarie Law School Assessment policy.

The complete question will be released on iLearn.

On successful completion you will be able to:

- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.
- Apply the law of professional responsibility relevant to lawyers in Australia

- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Delivery and Resources

This unit is delivered in two ways:

- 1) via online learning content that includes recorded lecture material, readings, quizzes, discussions and links to external resources such as videos and blogs
- 2) a three day intensive seminar for all enrolled students from 11 - 13 January 2017

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

Additional reading will be available via iLearn and e-reserve.

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

All assessments are to be submitted electronically via Turnitin.

Unit Schedule

The weekly schedule is outlined in the iLearn site for this unit

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>.

Additional Macquarie Law School policy on assessment

In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero.

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

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.

Graduate Capabilities

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.
- Apply the law of professional responsibility relevant to lawyers in Australia
- Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Assessment task

- Tutorial participation

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcome

- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Assessment tasks

- Tutorial participation
- Essay

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

Assessment tasks

- Tutorial participation
- Short answer questions
- Essay

Changes from Previous Offering

Reflective writing part 2 has been deleted and the weighting for the essay increased. Word limit for the essay increased to 2500