LAW 208

Law, Lawyers and Society

S1 Day 2018

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff
Unit Convenor
Dr Amanda Head
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Contact via amanda.head@mq.edu.au
Consultation Hours TBA

Credit points
3

Prerequisites
LAW115 and (admission prior to 2014 to LLB or BAppFinLLB or BALLB or BA-MediaLLB or BA-PsychLLB or BBALLB or BComLLB or BCom-ProfAccgLLB or BEnvLLB or BITLLB or BIntStudLLB or BScLLB or BSocScLLB)

Corequisites

Co-badged status
This unit is co-badged with LAW108

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

Identify and respond to legal ethical issues under time pressure

General Assessment Information

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

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 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. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation.

Marking of all assessments is moderated through a process of blind marking and the use of detailed marking rubrics.

Assessment Tasks

Name	Weighting	Hurdle	Due
Participation	10%	No	weekly
Professional relationships	60%	No	13/4 5pm Externals 4/5 5pm
Final exam	30%	No	9pm 8th June

Participation

Due: **weekly**
Weighting: **10%**

Internal and external students will be required to participate in tutorial role plays, problem solving discussions, debates, reflective exercises and other activities in face to face sessions. These activities will contribute to the development of student's skills. The skills required for client

interviewing will be explained, demonstrated and practiced in tutorials in preparation for the video assessment.

Dates for the on campus session are the 23rd and 24th April 2018. External students should also undertake the readings and prepare 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. For external students, the on-campus session is compulsory. Students who are unable to attend must request special consideration. If that request is accepted, alternative work will be set in lieu of on-campus attendance.

A detailed marking rubric for class participation will be provided on iLearn.

On successful completion you will be able to:

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- Identify and respond to legal ethical issues under time pressure

Professional relationships

Due: **13/4 5pm Externals 4/5 5pm**
Weighting: **60%**

This assessment is in two parts.

Part One is a personally recorded video of a client interview. The total video length is to be no more than 10 minutes. Details will be provided about specific skills to be demonstrated in the video.

Part Two is a written paper of 1500 words reflecting on the student's client interview skills and responding to a question about the link between a lawyer's communication skills and applied legal ethics theory.

Detailed marking rubrics for the assessment will be available on iLearn.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

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 exam

Due: **9pm 8th June**
Weighting: **30%**

This is a time limited multiple choice exam of one hour to test students' understanding of the law of professional responsibility. All material from week 1 to week 12 is examinable.

Students can open the exam at any time after 3pm. The exam will automatically shut down at 9pm. Students will have one hour to complete their answers from the time that they open the paper. 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 24 hours prior to the quiz.

Full details will be released on iLearn.

This is a timed assessment and no late submissions will be accepted

On successful completion you will be able to:

- Describe and explain the role of the lawyer in Australian society
- 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.

- Develop legal research skills, including the ability to search for relevant primary and secondary sources
- Identify and respond to legal ethical issues under time pressure

Delivery and Resources

There are no "live" lectures for this unit. Weekly lectures are pre-recorded and presented in combination with other learning resources including readings, web content, e-learning modules and videos. Students are expected to listen to the lectures and work their way through the other materials on a weekly basis.

There is a weekly two hour face to face tutorial from weeks 1-12 for internal students 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, 3rd ed, 2017). 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

A more detailed schedule of readings, learning materials and tutorial topics is outlined on iLearn
Week 1 **What it means to be a professional** **An overview of the profession** **Tutorials begin in week 1**
Week 2 **Introduction to Legal Ethics** **Overview of regulation of the profession** **Statutory Interpretation and delegated legislation**

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** **Duties of prosecutors** **Ethics in negotiations**	
Week 9 **Duty to the community** **Pro bono work** **Access to justice**	
Week 10 **Costs** **Duty to Account**	

Week 11 **Duty to the profession** **Admission requirements**	
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

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy

- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy *(**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)*

Undergraduate students seeking more policy resources can visit the Student Policy Gateway (https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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.

Late assessments

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

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.

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Describe and explain the role of the lawyer in Australian society
- Apply the principles of plain English to written communication for a variety of audiences and in different formats
- Identify and respond to legal ethical issues under time pressure

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Assessment task

- Professional relationships

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- 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
- Develop legal research skills, including the ability to search for relevant primary and secondary sources
- Identify and respond to legal ethical issues under time pressure

Assessment tasks

- Participation
- Professional relationships
- Final exam

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- 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

Assessment task

- Participation

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcome

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

Assessment task

- Professional relationships

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- 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
- Identify and respond to legal ethical issues under time pressure

Assessment tasks

- Participation

- Professional relationships

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- 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.
- Identify and respond to legal ethical issues under time pressure

Assessment tasks

- Participation
- Professional relationships
- Final exam