



LAWS1100

Law, Lawyers and Society

Session 2, Special circumstance 2020

Macquarie Law School

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Disclaimer

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Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Sessional Academic

Amanda Head

amanda.head@mq.edu.au

Contact via via ilearn

tba

Tuesday 1-2pm (week 4 onwards)

Credit points

10

Prerequisites

Admission to LLB

Corequisites

LAW115 or LAWS1000

Co-badged status

Unit description

In this unit students are introduced to applied legal ethics and the law that governs the roles and responsibilities of solicitors and barristers in Australia. The unit covers the history and profile of the legal profession, the development of ethical reasoning and application of ethical systems to legal practice. Students will study the legal and philosophical problems confronting lawyers, including confidentiality, access to justice, truth in the adversarial system, conflicts of interest and relationships between lawyers, clients and the community. They will learn how the legal profession is regulated and analyse the effectiveness of the professional disciplinary regime. The unit also introduces students to general skills of ethical problem solving and to the importance of sound communication skills for the practice 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:

ULO1: Describe and explain the role of the lawyer in Australian society.

ULO2: Identify different theoretical approaches to legal ethics and relate these

approaches to a range of problems and settings.

ULO3: 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.

ULO4: Explain and apply communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills, negotiation skills and writing skills, with an emphasis on plain English.

General Assessment Information

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

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.

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 re-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
<u>Participatory tasks</u>	15%	No	ongoing
<u>Applied Skill Based Legal Ethics Essay</u>	15%	No	11.59pm 28 August 2020
<u>Legal Ethics Essay</u>	40%	No	11.59pm 23 October 2020
<u>Multiple Choice Quiz</u>	30%	No	5pm 4 November 2020 - 5pm 5 November 2020

Participatory tasks

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 24 hours

Due: **ongoing**

Weighting: **15%**

A series of role plays, debates, problem solving and writing activities

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, negotiation skills and writing skills, with an emphasis on plain English.

Applied Skill Based Legal Ethics Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 10 hours

Due: **11.59pm 28 August 2020**

Weighting: **15%**

Research Essay

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, negotiation skills and writing skills, with an emphasis on plain English.

Legal Ethics Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 25 hours

Due: **11.59pm 23 October 2020**

Weighting: **40%**

Research essay

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, negotiation skills and writing skills, with an emphasis on plain English.

Multiple Choice Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 1 hours

Due: **5pm 4 November 2020 - 5pm 5 November 2020**

Weighting: **30%**

Multiple Choice Quiz

On successful completion you will be able to:

- 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.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

There are pre-recorded lectures for this unit. 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 students. This will be either face to face or online via Zoom

The required text is Lise Barry (ed) *Lawyers: Roles, Skills and Responsibilities* (Thomson Reuters, 3rd ed, 2017). It is 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.

Unit Schedule

Topics to be covered in the live lectures, online lectures and tutorials in this unit include:

What it means to be a professional

An overview of the profession

Introduction to Legal Ethics

Overview of regulation of the profession

Retainers

Legal Writing

Lawyers and Mental Health

Duty to the client

Fiduciary duties and the duty of care

Duty to the Court and administration of justice

Conflicts of interest

Confidentiality and privilege

Duty to the court

Ethics in criminal law

Duties of prosecutors

Ethics in negotiations

Duty to the community

Pro bono work

Access to justice

Costs

Duty to account

Duty to the profession

Admission requirements

Discipline and regulation

Lawyers and technology

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) (<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.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/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) (<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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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

If you are a Global MBA student contact globalmba.support@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

There is a slight change in the assessment weighting