LAWS8006

Applied Legal Ethics

Session 1, Special circumstances, Other 2021

Macquarie Law School

Contents

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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 activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face 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
Lise Barry
Contact via Contact via iLearn
6 First Walk Rm527
Monday 2pm -3pm or by appt

Credit points
10

Prerequisites
Admission to GradCertLaw or GradDipLaw or JD

Corequisites
LAWS8001 or LAWS600 or admission to JD in 2014

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:

ULO1: Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.

ULO2: 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.

ULO3: Apply the law of professional responsibility relevant to lawyers in Australia

ULO4: Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

ULO5: Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.

ULO6: Apply mature and considered approaches to written communication including plain English principles and legal citation methods

General Assessment Information

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. Only LATE assessments are accepted after the due date, you cannot withdraw a submission and resubmit after the due date.

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
Legal Ethics Quiz	30%	No	16/6/21
Client Interview Assessment	30%	No	9/5/21 @11.59pm
Legal Ethics paper	30%	No	4/4/21 @11.59pm
A series of in class and online activities	10%	No	Weekly and online

Legal Ethics Quiz

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 1 hours
Due: **16/6/21**
Weighting: **30%**

An online quiz

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.

Client Interview Assessment

Assessment Type [1]: Simulation/role play
Indicative Time on Task [2]: 23 hours
Due: **9/5/21 @11.59pm**
Weighting: **30%**

An assessment task built around a simulated client interview and reflective paper

On successful completion you will be able to:
- 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.

Legal Ethics paper

Assessment Type [1]: Essay
Indicative Time on Task [2]: 25 hours
Due: **4/4/21 @11.59pm**
Weighting: **30%**

A research paper on an applied ethics topic

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.
- 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

A series of in class and online activities

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 12 hours
Due: **Weekly and online**
Weighting: **10%**

A series of in class and online activities

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

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[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.

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

Additional reading will be available via the Leganto link on 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://policies.mq.edu.au). 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

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

To find other policies relating to Teaching and Learning, visit Policy Central (https://policies.mq.edu.au) and use the search tool.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/admin/other-resources/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.