



LAWS1100

Law, Lawyers and Society

Session 1, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Dr Amanda Head

Contact via iLearn

Consultation: Wednesday 12pm-1pm or by appointment

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 – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven 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>Applied skills based practical task and legal ethics essay.</u>	25%	No	video 11/03/22 11:59pm; essay 01/04/22 11:59pm
<u>Multiple Choice Quiz</u>	30%	No	31/05/22 5pm - 01/06/22 5pm
<u>Participatory tasks</u>	15%	No	ongoing; 03/06/22 11:59pm
<u>Legal Ethics Essay</u>	30%	No	20/05/22 11:59pm

Applied skills based practical task and legal ethics essay.

Assessment Type ¹: Essay

Indicative Time on Task ²: 10 hours

Due: **video 11/03/22 11:59pm; essay 01/04/22 11:59pm**

Weighting: **25%**

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: **31/05/22 5pm - 01/06/22 5pm**

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.

Participatory tasks

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 24 hours

Due: **ongoing; 03/06/22 11:59pm**

Weighting: **15%**

A series of role plays, debates and problem solving 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.

Legal Ethics Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 25 hours

Due: **20/05/22 11:59pm**

Weighting: **30%**

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.

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 online/face-to-face lectures for this unit. Face-to-face lectures will also be live-streamed. Additional lectures will be pre-recorded and presented in combination with other

learning resources including readings, web content, e-learning modules and videos. Students are expected to attend and 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.

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://policies.mq.edu.au) (<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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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) (<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) (<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

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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 since First Published

Date	Description
25/02/2022	There was a minor typo in the dates for the quiz - I said 31/6/21 to 1/6/21. It now reads (correctly) 31/5/21 to 1/6/21