



# LAWS8006

## Applied Legal Ethics

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

*Macquarie Law School*

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#### Disclaimer

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## 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 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

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>A series of in class and online activities</u>	10%	No	ongoing
<u>Client Interview Assessment</u>	30%	No	Video 18/3/22 11:59pm; Reflection 8/4/22 11:59pm
<u>Legal Ethics paper</u>	30%	No	13/5/22 11:59pm
<u>Legal Ethics Quiz</u>	30%	No	31/05/22 5pm - 01/06/22 5pm

## A series of in class and online activities

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 12 hours

Due: **ongoing**

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

## Client Interview Assessment

Assessment Type <sup>1</sup>: Simulation/role play

Indicative Time on Task <sup>2</sup>: 23 hours

Due: **Video 18/3/22 11:59pm; Reflection 8/4/22 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 <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **13/5/22 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

## Legal Ethics Quiz

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 1 hours

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

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.

<sup>1</sup> 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.

<sup>2</sup> 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

### For face-to-face students:

There is a one hour face-to-face tutorial beginning in Week 1.

### For online students:

There is a two-hour online tutorial (once every two weeks) beginning in Week 2.

### For face-to-face and online students:

There are online lectures each week which begin in Week 1. 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 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](mailto: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/](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.