



# LAWS1100

## Law, Lawyers and Society

Session 1, In person-scheduled-weekday, North Ryde 2023

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

### Unit convenor and teaching staff

Convenor

Amanda Head

6 First Walk, room 518

Consultation: Tuesday 12-1pm (from 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

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 re-submissions will not 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 4th edition.

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

### Late penalty policy

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

### Special Consideration

Students should submit applications for Special Consideration electronically via [ask.mq.edu.au](http://ask.mq.edu.au), along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration policy (link provided under 'Policies and Procedures' below).

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#"><u>Professional skills</u></a>	30%	No	Video: 10/03/23 11:55pm; essay: 05/04/23 11:55pm

Name	Weighting	Hurdle	Due
<a href="#">Legal Ethics Essay</a>	30%	No	18/05/23, 11:55pm
<a href="#">Participatory tasks</a>	10%	No	ongoing
<a href="#">Multiple Choice Quiz</a>	30%	No	See iLearn for further information

## Professional skills

Assessment Type <sup>1</sup>: Practice-based task

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **Video: 10/03/23 11:55pm; essay: 05/04/23 11:55pm**

Weighting: **30%**

An assessment requiring students to apply one or more professional skills relevant to legal ethics

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 <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 13 hours

Due: **18/05/23, 11:55pm**

Weighting: **30%**

A research essay on a topic relevant to legal ethics

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.

## Participatory tasks

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

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

Due: **ongoing**

Weighting: **10%**

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.

## Multiple Choice Quiz

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

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

Due: **See iLearn for further information**

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.

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<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

There is a weekly one-hour face-to-face lecture and additional weekly online lectures from weeks 1 to 12. Face-to-face lectures will also be live-streamed. Students are expected to attend and listen to the lectures and work their way through the other materials on a weekly basis. All lecture recording and associated slides will be accessible through iLearn.

There is a weekly one-hour face-to-face tutorial (in-person or via zoom) from weeks 1 to 12 for students.

The required texts are:

Paula Baron and Lillian Corbin, *Ethics and Legal Professionalism in Australia* (Oxford University Press, 3rd ed, 2020)

Nichola Corbett-Jarvis and Brendan Grigg, *Effective Legal Writing: A Practical Guide* (LexisNexis, 3rd ed, 2021)

Students can buy these textbooks online from online resellers such as [Booktopia](#) , [Amazon](#) and [Zookal](#).

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn. Students MUST submit all assessments through iLearn.

## Unit Schedule

Perception of Lawyers

The Legal Profession

The Regulation of the Profession

Truth and Honesty (costs, trust accounts, admission and discipline)

Fidelity to the Law (candour, abuse of process)

Loyalty to the Client (retainers, conflicts, in house lawyers)

Confidentiality and Privilege

Competence (fiduciary duty and duty of care)

Service and Access to Justice

Civility and Courtesy

## 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](https://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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## 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.

## **Changes from Previous Offering**

There is a change in the text book and the introduction of a legal writing text. Due to the change in text there has been an associated change in the order of content, although the substance remains largely the same.

The delivery of the unit has changed. The lecture content has increased to up to two hours per week and the tutorials have changed from two hour weekly tutorials to one hour weekly tutorials.