



# LAWS806

## Applied Legal Ethics

S3 External 2019

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Course Convenor

Neil Watt

[neil.watt@mq.edu.au](mailto:neil.watt@mq.edu.au)

Contact via iLearn 'private communication with staff'

Off campus

On campus as arranged

Credit points

4

Prerequisites

((Admission after 2014 to GradCertLaw or GradDipLaw or JD) and corequisite LAWS600) or (admission to JD in 2014) or (admission to LLM)

Corequisites

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:

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 and negotiation skills.

Apply the principles of plain English to written communication for a variety of audiences and in different formats.

Develop legal research skills, including the ability to search for relevant primary and secondary sources.

Identify and respond to legal ethical issues under time pressure.

## General Assessment Information

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

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 4th edition (AGLC4).

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
Participation	30%	No	Ongoing
Ethics research essay	40%	No	Friday 17 January 2020, 5pm
Online multiple choice quiz	30%	No	Thursday, 23 January 2020 3pm-9pm

### Participation

Due: **Ongoing**

Weighting: **30%**

Internal and external students will be required to participate in tutorial role plays, problem solving discussions, debates, reflective exercises, in-class quizzes, online discussions and other activities. Both online and face to face activities will contribute to a student's participation marks.

All students will be assessed for participation at the on campus sessions and will undertake the readings and prepare the exercises listed. More information on the structure of the on campus sessions and the required preparation will be available on iLearn. Students who are unable to attend the on campus session should request special consideration. If that request is accepted, alternative work will be set in lieu of on-campus attendance. **Note, however, that as the OCS is held prior to the deadline for withdrawal without penalty (December 19) you are unlikely to be granted a special consideration for the OCS should you be unable to attend.**

A detailed marking rubric for class participation will be provided on iLearn.

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 and negotiation skills.
- Apply the principles of plain English to written communication for a variety of audiences and in different formats.
- Develop legal research skills, including the ability to search for relevant primary and secondary sources.

## Ethics research essay

Due: **Friday 17 January 2020, 5pm**

Weighting: **40%**

This essay will test your writing and research skills and your knowledge of legal ethics.

The essay question and marking rubrics will be released on iLearn in week 1. Full instructions will be released on iLearn.

Unless a Special Consideration request has been submitted and approved:

(a) a penalty for lateness will apply of 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.

On successful completion you will be able to:

- Describe and explain the role of the lawyer in Australian society.

- 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.
- Apply the principles of plain English to written communication for a variety of audiences and in different formats.
- Develop legal research skills, including the ability to search for relevant primary and secondary sources.
- Identify and respond to legal ethical issues under time pressure.

## Online multiple choice quiz

Due: **Thursday, 23 January 2020 3pm-9pm**

Weighting: **30%**

This is a time limited multiple choice exam of one hour to test students' understanding of the law of professional responsibility. All material from Topics 1 - 12 is examinable.

Students can open the exam at any time after 3pm. The exam will automatically shut down at 9pm. Students will have one hour to complete their answers from the time that they open the paper. When one hour has expired, all saved answers will be automatically submitted.

Some of the questions will relate to a problem scenario that will be released for reading before 6pm on Tuesday, 21 January 2020

Full details will be released on iLearn.

This is a timed assessment and no late submissions will be accepted.

On successful completion you will be able to:

- Describe and explain the role of the lawyer in Australian society.
- 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.
- Identify and respond to legal ethical issues under time pressure.

## Delivery and Resources

There are no "live" lectures for this unit. Lectures are pre-recorded and presented in combination with other learning resources including readings, web content, e-learning modules and videos. Students are expected to listen to the lectures and work their way through the other materials on a weekly basis throughout the summer semester.

All students enrolled in Laws806 for s3, 2019 **must attend the on campus session on 12-13 December.**

The required text is: Lise Barry (ed) *Lawyers: Roles, Skills and Responsibilities* (Thomson

Reuters, 3rd ed, 2017). 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

A more detailed schedule of readings, learning materials and tutorial topics is outlined on iLearn	
<b>TOPIC 1</b>  <b>What it means to be a professional</b>  <b>An overview of the profession</b>	
<b>TOPIC 2</b>  <b>Introduction to Legal Ethics</b>  <b>Overview of regulation of the profession</b>  <b>Statutory Interpretation and delegated legislation</b>	
<b>TOPIC 3</b>  <b>Duty to the client</b>	
<b>TOPIC 4</b>  <b>Fiduciary duties and the duty of care</b>	
<b>TOPIC 5</b>  <b>Conflicts of interest</b>	
<b>TOPIC 6</b>  <b>Confidentiality and privilege</b>	

<b>TOPIC 7</b>  <b>Duty to the court</b>	
<b>TOPIC 8</b>  <b>Ethics in criminal law</b>  <b>Duties of prosecutors</b>  <b>Ethics in negotiations</b>	
<b>TOPIC 9</b>  <b>Duty to the community</b>  <b>Pro bono work</b>  <b>Access to justice</b>	
<b>TOPIC 10</b>  <b>Costs</b>  <b>Duty to Account</b>	
<b>TOPIC 11</b>  <b>Duty to the profession</b>  <b>Admission requirements</b>	
<b>TOPIC 12</b>  <b>Discipline and regulation</b>	
<b>TOPIC 13</b>  <b>Revision</b>	

## Learning and Teaching Activities

### Client interview role plays

Students will engage in mock client interviews and will be given the opportunity to practice core interview skills

### Small group discussion

Students will be presented with a variety of legal problems related to the application of the law and principles of professional responsibility and will be expected to engage in class discussions, debates and other activities to develop their ethical deliberation and problem solving skills

## 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.*)

Undergraduate 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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Late assessments

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.

Word limits are strictly applied and anything beyond the word limit will not be marked.

## 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](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## 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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.

## Graduate Capabilities

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

#### Learning outcomes

- 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 and negotiation skills.
- Apply the principles of plain English to written communication for a variety of audiences and in different formats.
- Develop legal research skills, including the ability to search for relevant primary and secondary sources.
- Identify and respond to legal ethical issues under time pressure.

#### Assessment tasks

- Participation
- Ethics research essay

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- 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.
- Apply the principles of plain English to written communication for a variety of audiences and in different formats.
- Develop legal research skills, including the ability to search for relevant primary and secondary sources.
- Identify and respond to legal ethical issues under time pressure.

## **Assessment tasks**

- Participation
- Ethics research essay
- Online multiple choice quiz

## **PG - Critical, Analytical and Integrative Thinking**

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## **Learning outcomes**

- 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.
- Develop legal research skills, including the ability to search for relevant primary and secondary sources.
- Identify and respond to legal ethical issues under time pressure.

## **Assessment tasks**

- Participation
- Ethics research essay

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcomes

- 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.
- Develop legal research skills, including the ability to search for relevant primary and secondary sources.
- Identify and respond to legal ethical issues under time pressure.

### Assessment tasks

- Ethics research essay
- Online multiple choice quiz

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

### Learning outcomes

- Describe and explain the role of the lawyer in Australian society.
- 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 and negotiation skills.
- Apply the principles of plain English to written communication for a variety of audiences and in different formats.

- Identify and respond to legal ethical issues under time pressure.

## **Assessment tasks**

- Participation
- Ethics research essay

## **PG - Engaged and Responsible, Active and Ethical Citizens**

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## **Learning outcomes**

- Describe and explain the role of the lawyer in Australian society.
- 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 and negotiation skills.
- Apply the principles of plain English to written communication for a variety of audiences and in different formats.

## **Assessment task**

- Participation