



LAWS806

Applied Legal Ethics

S1 External 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff

Unit Convenor

Dr Lise Barry

lise.barry@mq.edu.au

Contact via iLearn "communicate privately with staff"

6 First Walk rm 507

Wednesday 1pm-2pm or by appt

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:

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.

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

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.

Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment.

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 ed)

Marking of all assessments is moderated through the use of detailed marking rubrics. All Fail papers will be double marked.

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 time – 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.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Tutorial participation</u>	10%	No	ongoing
<u>Professional Communication</u>	30%	No	Weeks 5, 9, 12
<u>Quiz</u>	30%	No	Thursday 13th June
<u>Online Discussion Posts</u>	30%	No	ongoing and 6/6

Tutorial participation

Due: **ongoing**

Weighting: **10%**

Active participation:

Students will also be assessed on:

- Their application of skills and knowledge to discussions and activities during classes;
- Their knowledge of the legal, ethical and moral issues, applicable rules and law evidencing their engagement with the set readings & online lecture materials.
- Online participation in the forums throughout the semester.

Students may be assessed in class orally or in writing, on any aspect of the required class preparation listed in the weekly iLearn block. Students are required to participate in the role plays, online and face to face discussions, debates, reflective exercises and other activities. Grading will be in accordance with the criteria posted on iLearn.

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.
- Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Professional Communication

Due: **Weeks 5, 9, 12**

Weighting: **30%**

The professional communication tasks will consist of three pieces of work:

- 1) Blog post due Thursday 28th March 11.59pm (approx 750 words)
- 2) Client interview video Thursday 9th May 11.59pm (20 mins)
- 3) Letter of advice to a client Thursday 30th May 11.59pm (approx 1000 words)

Students will also be assessed on their written communication skills, particularly their ability to write in plain English.

Written assessments will be submitted online via Turnitin and must comply with the Macquarie University Policy on Academic Honesty.

Full details of all assessments including due dates and instructions for the video upload will be available on iLearn.

A detailed marking rubric for the assessment will be available on iLearn.

On successful completion you will be able to:

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

Quiz

Due: **Thursday 13th June**

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 week 1 to week 12 is examinable.

Students can open the exam at any time after 12pm on Thursday 13th June. The exam will automatically shut down at 10pm. Students will have **one hour** to complete their answers from the time that they open the paper. When one hour has expired, or the time is 10pm EST, all saved answers will be automatically submitted.

30 questions will be randomly assigned to each student and the order of the questions and answers will also be shuffled.

Some of the questions will begin with the words "In relation to the problem question:" Those questions will relate to a problem scenario that will be posted in the assessment block for reading 24 hours prior to the quiz in the Assessment block (12pm on Wednesday 12th June)

Full instructions will be posted on iLearn.

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

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

Online Discussion Posts

Due: **ongoing and 6/6**

Weighting: **30%**

During the course of the semester students will be required to participate in an online discussion forum.

Each student should initiate one discussion forum topic including a link to a news article, reading extract, blog post or similar on a topic relevant to legal ethics.

Each student is required to respond to two discussion forum post topics posted by another student. Each response should be a maximum of 500 words.

At least one post must be made prior to week 7. Students may choose when to post their other two submissions.

Full instructions and a marking rubric will be available on iLearn.

A copy of all the student's postings must be submitted to iLearn on 6th June.

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.
- 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

Delivery and Resources

This unit is delivered in two ways:

1) via online learning content that includes recorded lecture material, readings, quizzes, discussions and links to external resources such as videos and blogs; and

2) a weekly seminar for internal students or compulsory two day on campus session for external students.

The required text is: Lise Barry (ed) *Lawyers: Roles, Skills and Responsibilities* (3rd ed, 2017) Thomson Reuters. Available from the Macquarie University Co-op Bookshop

Additional reading will be available via the Leganto link on iLearn

Students require access to a computer and a secure and reliable server. All Unit requirements and a weekly teaching schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin.

Unit Schedule

Weekly Schedule

Week	Lectures	Tutorials
1	Profile of the Profession and professional regulation	Overview
2	Ethics theory	Professional regulation and behaviours
3	Retainers and the Duties of Representation	Legal writing skills
4	Fiduciaries and the Duty of Care	Legal writing skills cont.
5	Conflicts of Duty, Conflicts of interest	Legal interviewing
6	Confidentiality and client legal privilege	Legal interviewing cont.
7	Duty to the court, the duty of candour, dealing with witnesses	Dealing with client diversity
8	Ethics in criminal law and negotiations	Ethical problem solving models
9	Duty to the community	Candour
10	Costs and Duty to Account	ADR skills and ethics
11	Admission to practice and discipline in the profession	Case studies
12	Professional courtesy. Workplace issues in the profession	Admission and readmission
13	Emerging ethical issues for the profession	revision

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>). 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>).

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 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 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

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.

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:

Assessment task

- Quiz

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

- 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.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Assessment tasks

- Tutorial participation
- Quiz
- Online Discussion Posts

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 outcome

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

Assessment task

- Online Discussion Posts

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:

Assessment tasks

- Quiz
- Online Discussion Posts

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

- Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Assessment tasks

- Tutorial participation
- Professional Communication
- Online Discussion Posts

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

- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

Assessment tasks

- Tutorial participation
- Professional Communication

Changes from Previous Offering

Change of Assessments including the type and weight of communication tasks and online participation.

Weekly seminars will be one hour and held from weeks one to twelve. The two-day on campus session for external students will be twelve hours.