



# LAWS13013 Legal Professional Conduct

## Term 1 - 2020

Profile information current as at 25/04/2024 02:21 am

All details in this unit profile for LAWS13013 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

### General Information

#### Overview

LAWS13013 Legal Professional Conduct examines professional and personal conduct in respect of a practitioner's duty to the law, the courts, clients and fellow practitioners. As part of the duty to clients this unit provides a basic knowledge of the principles relating to the holding of money on trust. This unit meets the LPAB requirements for ethics and professional responsibility.

#### Details

Career Level: *Undergraduate*

Unit Level: *Level 3*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

#### Pre-requisites or Co-requisites

Prerequisite:- LAWS11057 & LAWS11059

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

#### Offerings For Term 1 - 2020

- Online

#### Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

#### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 40%

#### 2. **Online Quiz(zes)**

Weighting: 40%

#### 3. **Practical Assessment**

Weighting: 20%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Have you say

##### Feedback

A number of students commented about the practical skills' component see below. "I loved the client interviewing assessment. It gave us a chance to actually test out practical skills we rarely use in other subjects." "I enjoyed the unit because it had a practical side" "I enjoyed the client interviewing assessment as with the course being predominantly on line, this assessment gives the opportunity to engage one on one with other students in a practical situation."

##### Recommendation

Retain the practical skills assessment

#### Feedback from Have your say

##### Feedback

See some comments regarding the mix of assessment items. "The Diverse rang(e) of assessment tasks made the unit more interesting."

##### Recommendation

Retain assessments

#### Feedback from Have your say

##### Feedback

Some students wanted the creative challenge which is worth 40% due later in the term so that they could complete more of the course content. See below: "The Creative Challenge assessment should have been due later in the term after students have completed more topics"

##### Recommendation

Consider changing the due date to later in the term.

## Unit Learning Outcomes

### On successful completion of this unit, you will be able to:

1. Comprehend, analyse, and evaluate legislation and rules regulating professional and personal conduct in respect of a practitioner's duty to the law, the courts, clients and fellow practitioners
2. Compare and contrast the professional conduct rules in the United States with those in Australia
3. Think creatively in researching and presenting an ethical issue to your peers
4. Construct solutions to ethical issues involved with client interviewing
5. Apply basic knowledge of the principles relating to the holding of money on trust.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
1 - Written Assessment - 40%	•	•			
2 - Online Quiz(zes) - 40%	•				•
3 - Practical Assessment - 20%			•	•	

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
1 - Communication			•	•	
2 - Problem Solving	•	•	•	•	•
3 - Critical Thinking	•	•	•	•	
4 - Information Literacy					
5 - Team Work					
6 - Information Technology Competence					
7 - Cross Cultural Competence		•			
8 - Ethical practice	•	•	•	•	
9 - Social Innovation					
10 - Aboriginal and Torres Strait Islander Cultures					

### Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 40%	•	•	•	•			•	•		
2 - Online Quiz(zes) - 40%		•	•					•		
3 - Practical Assessment - 20%	•	•	•					•		

## Textbooks and Resources

### Textbooks

LAWS13013

#### Prescribed

#### **Ethics in Law: Lawyers' Responsibility and Accountability in Australia**

6th edition (2014 )

Authors: Ysaiah Ross

Lexis Nexis

chatswood , NSW , Australia

ISBN: 9780409332803

Binding: Paperback

#### **Additional Textbook Information**

The book was released in late 2013 and has been used in successive years so there may be second hand books available at a reduced price. Students are encouraged to search online for a reduced price.

New copies are available for purchase at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

#### **You will need access to the following IT resources:**

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Victoria Lambropoulos** Unit Coordinator

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## Schedule

### **Week 1 - Accountability & Responsibility - 09 Mar 2020**

Module/Topic

Chapter

Events and Submissions/Topic

Reading: Prescribed Text Book: Isaiah Ross, *Lawyers' Responsibility in Australia* (LexisNexis Butterworths, 6th ed, 2014) described after this as Ross Ross Ch 1, 2, 3

The law is regulated as a profession, but nevertheless operates within a wider ethical environment.

After studying this topic you should be able to:

- Critically evaluate the meaning of the assertion that the law is a profession;
- Locate and critique the sources of the rules of legal ethics governing the profession in Queensland;
- Discuss the major themes of contemporary debates about legal ethics and professional responsibility; and
- Articulate a variety of approaches to questions of legal ethics and professional responsibility.

Problems 1 - 6

### Week 2 - History, Structure & Regulation - 16 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic
Problems 7 - 8	<p>Reading: Ross Ch 4, 5</p> <p>The law is an ancient profession whose structure and regulation reflect its historical roots. After studying this topic you should be able to:</p> <ul style="list-style-type: none"> <li>• Outline the history of the legal profession in Queensland;</li> <li>• Assess the changes achieved by the <i>Legal Profession Act 2007</i> (Qld) as they impact on the structure of the legal profession in Queensland;</li> <li>• Explain the role of the Queensland Law Society, the Bar Association of Queensland, and the Law Council of Australia as legal professional organizations;</li> <li>• Explain the role of the National Judicial College;</li> <li>• Examine contemporary regulatory reform;</li> <li>• Discuss the arguments for and against self-regulation; and</li> <li>• Discuss the advantages and disadvantages of formal national accreditation schemes.</li> </ul>	

### Week 3 - Admission - 23 Mar 2020

Module/Topic	Chapter	Events and Submissions/Topic

Problems 9 - 11	<p>Reading: Ross Ch 6  Mary Wyburn, 'Disclosure of prior student academic misconduct in admission to legal practice: Lessons for universities and the courts' (2008) 8(2) <i>QUTLJ</i> 314-341.</p> <p>Law is not a free market. There are considerable barriers to entry for those seeking admission to the profession. After studying this topic you should be able to:</p> <ul style="list-style-type: none"> <li>• Evaluate the arguments for and against the licensing of legal practitioners;</li> <li>• Explain the nature and source of restrictions on entry to the legal profession in Queensland; and</li> <li>• Criticise the manner in which the requirement that an applicant must be of good fame and character has been applied.</li> </ul>
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**Week 4 - Costs & Liens \* Nominate groups for client Interview - 30 Mar 2020**

Module/Topic	Chapter	Events and Submissions/Topic
Problems 12 - 16	<p>Reading: Gino Dalpont, <i>Lawyers' Professional Responsibility</i>, (Thomson Reuters, 6th ed, 2016) Ch 14-16 (extracts available on Moodle)</p> <p><b>Costs and Liens</b></p> <p>Over charging by the legal profession is perceived by the public as rampant in the legal profession. It is essential that you gain an understanding of the requirements for costs and when it is appropriate for you to obtain a lien over your client's property in your possession. In particular you should be able to:</p> <ul style="list-style-type: none"> <li>• Assess the role of costs orders in enforcing legal ethics;</li> <li>• Analyse the provisions of Part 3.4 of the <i>Legal Profession Act 2007</i> (Qld) and identify the parameters under which legal practitioners assess costs and recover fees;</li> <li>• Discuss the procedures that are available to resolve disputes about professional fees and legal costs; and</li> <li>• Understand the nature and function of Solicitor's Liens.</li> </ul>	Nominate Groups for Client Interview by Monday 30th March 2020

**Week 5 - Discipline - 06 Apr 2020**

Module/Topic	Chapter	Events and Submissions/Topic

Reading: Ross Ch 7  
 This topic is concerned with exploring the disciplinary processes associated with breaches of ethical rules. While the objective of the disciplinary process is to protect the public, those practitioners on the wrong end of the process feel they are being punished. Misconduct can arise under statute and the common law. We will examine both categories as well as potential mitigating factors.

This topic will also explore the structure and operation of the disciplinary systems in place in Queensland together with reform proposals.

Problems 22 - 25

After studying this topic you should be able to:

- Outline the current position and historical evolution of the power to discipline the legal profession in Queensland;
- Canvass the problems that arise in attempting to define standards of conduct, the breach of which will justify the exercise of disciplinary powers;
- Critically evaluate the procedures which can be utilised to initiate disciplinary action; and
- Appreciate the nature of disciplinary proceedings.

**Non-Teaching Week - \* Quiz 1 Due (Weeks 1 - 5) - 20% - 13 Apr 2020**

Module/Topic	Chapter	Events and Submissions/Topic
Quiz 1 - 20%	Weeks 1 - 5	Available Sunday 19th April at midday 12.00pm (Qld time) until 11.55pm (23.55) Monday 20th April 2020 Quiz is available during this period to complete

**Week 6 - Duties of Representation - 20 Apr 2020**

Module/Topic	Chapter	Events and Submissions/Topic
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Problems 26 - 27

Reading: Ross Ch 8.  
The nature of the legal profession is changing from a 'service ideal to one based on business imperatives'. The Australian Law Reform Commission, *Managing Justice, A Review of the Federal Civil Justice System, Report No. 89 (2000)* 3.22 suggests that this change is based on the needs of a changing business environment, competition policy and new technology. The report also makes reference to the extent of adversarialism present even before students begin law school. The Commission hopes that education may play a critical part in changing and improving legal culture, legal practice and dispute resolution. These comments will be equally relevant to our study of the Adversarial System. The business imperative directly impacts on the duty of representation. Would you be prepared to represent a repugnant client, the consequence of which may be public distain and professional isolation? Would it be fair or just that such clients have no representation in the context of our adversarial system? When can you or your client terminate a retainer contract? What are the implications that flow from termination? After studying Topic 6 you should be able to:

- Outline the rules governing the question of whether a legal practitioner can decline to accept a case;
- Appreciate the ethical dimensions of the problem posed by unpopular and repugnant clients;
- Compare and contrast the rules that inhibit lawyers from withdrawing from a case once accepted with the rules that give clients the right to choose and to dismiss lawyers; and
- Assess the claim that there has been a shift in legal professional practice from a "service" ideal to a perspective based on business imperatives.

Quiz 1 to be completed by 11.55pm (23.55) (Qld Tlme) Monday 20th April 2020

**Online Quizzes** Due: Week 6 Monday (20 Apr 2020) 11:55 pm AEST

## Week 7 - Communication & Control - 27 Apr 2020

Module/Topic

Chapter

Events and Submissions/Topic

<p>Problems 28 - 31</p>	<p>Reading: Ross Ch 9.  This topic is concerned with the duty of practitioners to communicate with their clients and seek instructions. We will consider the roles of lawyers and their clients in making decisions concerning the solution to a legal problem. Emphasis will be placed on dealing with offers of settlement, guilty pleas and clients with disabilities. After studying Topic 7 you should be able to:</p> <ul style="list-style-type: none"> <li>• Outline three models of control of the lawyer-client relationship and discuss the advantages and disadvantages of each;</li> <li>• Identify three legitimate expectations that clients of legal practitioners normally possess;</li> <li>• Define and appraise the parameters of the legal practitioners obligation (a) to inform and advise, and (b) to obey;</li> <li>• Identify the particular problems that lawyers representing disadvantaged clients might face; and</li> <li>• Consider problems that may arise from counsel's inexperience.</li> </ul>	
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**Week 8 - Competence & Care - \* Creative Challenge Due - 40% - 04 May 2020**

Module/Topic	Chapter	Events and Submissions/Topic
<p>Problem 32</p>	<p>Reading: Ross Ch 9.  This topic considers the issue of competence and care by examining ethical duties, contractual and tortious liability, and liability under consumer legislation. The immunity doctrine and how this operates to limit liability for advocates will be examined, as will professional indemnity insurance. Finally we will consider the concepts of confidentiality and privilege. After studying this topic you should be able to:</p> <ul style="list-style-type: none"> <li>• Explain the grounds upon which a legal practitioner can be held to be liable for damages arising out of the incidents of legal practice;</li> <li>• Discuss the development of the law relating to advocate's immunity and assess the current standing of the doctrine;</li> <li>• Outline the requirements of Part 3.5 of the <i>Legal Profession Act 2007</i> (Qld) relating to indemnity insurance;</li> <li>• Explain the functions of solicitors' fidelity funds and the role of the Law Society in administering these funds; and</li> <li>• Explain whether barristers need professional indemnity insurance.</li> </ul>	<p>Creative Challenge Due Tuesday 5th May 2020 at 11.55pm (23.55) (Qld Time) - 40%</p> <p><b>Creative challenge</b> Due: Week 8 Tuesday (5 May 2020) 11:55 pm AEST</p>

**Week 9 - Practical Skills Module - 11 May 2020**

Module/Topic	Chapter	Events and Submissions/Topic

Reading: (available through Moodle)  
Helen Carr, Sarah Carter and Kirsty Horsey, *Skills for Law Students*, (Oxford, 2009) Ch 31.

Ross Hyams, Susan Campbell and Adrian Evan, *Practical Legal Skills* (Oxford, 3rd ed, 2011) Ch 2.

This is a practical skills module designed to develop your client interviewing skills. We will look at:

- Planning and preparing for a client interview;
- Commencing an interview;
- Gathering facts through narrative;
- Exploring options;
- Concluding the interview; and
- Following up the interview.

After studying this topic you should be able to:

- Prepare and conduct a client interview;
- Document the facts from a client interview; and
- Critically evaluate your ethical obligations in relation a client interview.

#### **Week 10 - Confidentiality \* Conduct Client Interviews - 20% - 18 May 2020**

<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Problems 33 - 35	<p>Reading: Ross Ch 11. Legal Practitioners owe a duty to maintain client confidentiality. Clients must feel confident that what they tell their lawyers will not be passed on to anyone else. After studying this topic you should be able to:</p> <ul style="list-style-type: none"> <li>• Identify five ways in which ethical problems can arise out of the legal practitioner's duty of disclosure;</li> <li>• Articulate and apply the duty of confidence as expressed in the barristers' and Solicitors' rules;</li> <li>• Identify the five situations which may justify disclosure of client confidential information; and</li> <li>• Apply the principles of Legal Professional Privilege.</li> </ul>	Conduct client interviews by Monday 18th May 2020 - 20%

#### **Week 11 - Conflicts of Interest - \* Written Reflection Due (client interview) - 20% - 25 May 2020**

<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>

Problems 36 - 37

Reading: Ross Ch 12.  
Conflicts of interest are a major source of complaints against lawyers and often result in disciplinary action. Conflicts arise in many situations including where:

- The financial interests of both the lawyer and client conflict;
- A lawyer acts for both parties to a transaction;
- A lawyer is called as a witness; and
- A lawyer opposes a former client.

After studying this topic you should be able to:

- Appreciate the role of, and limitations on, informed consent as a solution to problems of loyalty;
- Critically evaluate the Australian approach to problems of concurrent representation; and
- Discuss the position of the legal practitioner where someone other than the person confronted by the legal problem pays legal fees.

Monday 25th May 2020 - Written Reflection Due on Client Interview - 20%

**Client Interviewing Practical Assessment** Due: Week 11 Monday (25 May 2020) 11:55 pm AEST

**Week 12 - The Adversarial System \* Quiz 2 (weeks 6 - 12) - 20% - 01 Jun 2020**

Module/Topic

Chapter

Events and Submissions/Topic

Reading: Ross Ch 13, 14, 15

This topic is concerned with the question of what is meant by justice and access to justice. We will look at:

- The nature of the adversarial system in terms of its purpose and its key players.
- The role of the courts in our common law system: is that role a search for truth, or a search for justice based on the evidence presented by each side? This highlights the difference between our own system of justice and the inquisitorial system that is much more judicially pro-active. These differences are reflected in the role of the judge and the role of the advocate in the adversary system.
- The professional rules which regulate the activities of lawyers in terms of the litigation and prosecution of cases and in turn the role of the lawyer in the due administration of justice. This duty of the lawyer has often been described in terms of the duty of fairness and candour. We will look at these issues in terms of the duties of fairness and candour in negotiation; Diligence and the obligation not to cause unreasonable expense and delay in the litigation;
- The obligation not to interfere with witnesses or their evidence;
- The giving of undertakings to a court; and
- The situation where a client confesses guilt.

After studying this topic you should be able to:

- Understand how the *Legal Profession Act 2007* (Qld) makes the *Competition and Consumer Act 2010* (Cth) applicable to legal practitioners in Queensland;
- Assess the arguments for and against imposing a duty of fairness and candour in negotiations on legal practitioners;
- Understand the approach adopted in relation to the pursuit of hopeless cases;
- Outline the limitations the Queensland Barristers' Rules place on arguments that advance unsupported or irrelevant allegations;
- Critically evaluate the proposition that there is a relevant difference between failure to proffer relevant material and proffering false material; and
- Explain the position taken by the courts on the use of tricks to present or discredit testimony.

Problems 38 - 42

Quiz 2 (weeks 6 - 12 excluding practical skills module) - 20%  
Sunday 7th June 2020 test is made available at midday 12.00pm (Qld Time) to complete by Monday 8th June 2020 11.55pm (23.55) (Qld Time)  
Quiz is available during this period to complete

## Review/Exam Week - 08 Jun 2020

Module/Topic

Chapter

Events and Submissions/Topic

Quiz 2 is due on Monday 8th June 2020 at 11.55pm (23.55) (Qld Time)

## Assessment Tasks

### 1 Creative challenge

#### Assessment Type

Written Assessment

#### Task Description

The written assessment task aligns with learning outcomes (1) and (2).

This assessment is designed to develop your creativity, challenge your personal moral beliefs and ability to locate and critique primary and secondary materials in relation to an ethical dilemma of your own creation. Your task is to prepare a **visual scenario** on an ethical issue related to legal work that you personally find morally repugnant. Your visual scenario may be presented as a:

1. comic strip;
2. animation (2d or 3d);
3. infographic;
4. storyboard for a scene in a film, including images; or
5. film of no more than 3 minutes duration.

Your visual scenario should be no more than the equivalent of 1000 words (most likely much less). It will be challenging to produce, so make sure you start early. In addition to your visual scenario you are also asked to prepare a 1000 word written summary of the legal and ethical issues involved.

Examples of legal work you may find repugnant may include, **but are in no way limited to:**

- Formation of a corporation that promotes paedophilia.
- Evicting a tenant, who is in hospital, unable to work and pay the rent.
- Creating a will that leaves all the assets to the old dog's home rather than to impoverished close relatives who have cared for the client for a long period.
- Defending a person whom you believe, although not certain is guilty of manslaughter or murder.
- Conducting a civil litigation for a mining corporation against an environmental organisation trying to save the Great Barrier Reef.
- Defending a client who was forced out of necessity and to avoid starvation, killed and ate a fellow survivor of an accident at sea.
- Defending a potential serial killer, who in interview with you disclosed the location of other victims.
- A mortgagee exercising power of sale over a charities homeless shelter or religious organisation.

Issues to Address:

- Why you find the instructions repugnant?
- How you will deal with the client in meeting the terms of your retainer?
- Critique the relevant professional rules (or lack thereof), case law and secondary literature concerning the ethical issue in your script.

The assessment will be judged according to the requirements of the *Legal Profession Act 2007* (Qld), the *Legal Profession Regulation 2007* (Qld), the *Australian Solicitors' Conduct Rules 2012*, case law and relevant literature (**including a brief comparison with a United States jurisdiction**) according to the Assessment Criteria Rubric.

Software which you may find useful in producing your visual presentation include, **but are not limited to:**

#### Comic:

<http://www.toondoo.com>

<http://comicliffe.com>

<http://bitstrips.com>

#### Animation/film:

CrazyTalk Animator Pro 3

Moho Professional 12

<https://plotagon.com/discover>

#### Infographic

<http://www.creativeblog.com/infographic/tools-2131971>

#### Storyboard

<http://www.storyboardthat.com> - includes image library

#### Assessment Due Date

Week 8 Tuesday (5 May 2020) 11:55 pm AEST

To be submitted via moodle

## Return Date to Students

Week 10 Tuesday (19 May 2020)

Return via moodle

## Weighting

40%

## Assessment Criteria

### Assessment Criteria Rubric

Scenario (15)					
	HD	D	C	P	F
Structure 2	The scenario was very well structured. Clear and well organised sequence of events.	The scenario had a good structure. Clear sequence of events.	The scenario has generally good structure.	The scenario had some structure.	The scenario was unstructured.
Organisation 3	The flow of the scenario is logical and very coherent.	Information is well organised and logical.	Most information is well organised and generally logical.	Some information is poorly organised and at times does not flow logically.	Information is poorly organised or does not flow logically.
Creativity 10	The scenario is highly creative and demonstrates numerous fresh, original and inventive ideas.	The scenario is moderately creative and demonstrates some novel ideas.	The scenario displays some evidence of originality and inventiveness.	The scenario displays an extensive collection of existing ideas. Little evidence of new thought or inventiveness.	The scenario displays minimal or no creativity and is a rehash of others ideas. No evidence or new thought.
Written summary (25)					
Content, evidence and argument 15	Thoroughly addresses all aspects of the topic. All relevant information is included. Information is well analysed and interpreted correctly. Extensive critical appraisal of the law and secondary literature. Strong, cohesive argument backed up with evidence. Original and/or novel observations.	The summary addresses key aspects of the topic. Few omissions in information or misinterpretations of the law or secondary literature. Argument is strong and backed up with some relevant evidence of strengths and weaknesses of the law. Good evidence of critical analysis. Well-synthesised and coherent argumentation and observation and evidence. Some novel observations and original thinking.	The summary addresses the selected topic. Some minor omissions in information and misinterpretation of the law. Looks at the strengths and weaknesses of the law and associated secondary literature. Some evidence of critical analysis. Argument is cohesive and backed up with some evidence. Some original observations.	Some parts of the summary do not address the selected topic. Some major omissions in information and misinterpretation of the law or secondary literature. Some errors in deduction. Some cohesive argument. Few original observations.	The summary does not address the selected topic. Crucial omissions in information. Serious misinterpretation of the law or secondary sources. Serious errors in deduction. Argument is weak or non-existent. No original observations.
Style and format 3	The summary is cohesively written. Clear format. No grammatical, spelling or punctuation errors. Excellent use of English language. Excellent layout.	The summary is well written. Some minor grammatical, spelling and/or punctuation errors. Good use of English language. Well laid out.	Some grammatical, spelling and/or punctuation errors. English expression is sound.	A number of grammatical, spelling and/or punctuation errors. Some problems with English expression. Not well laid out.	Large number of grammatical, spelling and/or punctuation errors. The reflection contains English construction that is incomprehensible. Poor layout.
Sources 5	A moderate number of sources and references, including seminal and recent articles from peer-reviewed literature. A variety of references are used. All sources are acknowledged and well referenced.	A moderate number of highly relevant sources and references used. References come from a variety of sources. Sources are acknowledged.	A moderate number of sources and references used. References come from a variety in the type of references used, especially articles from peer-reviewed journals. Mostly relevant sources used. Sources are acknowledged.	A small number of sources and references used. References come from a limited number of sources – some not relevant to the task. Some sources are not appropriately acknowledged.	Very few sources and references used. References come from only one source or solely grey literature, personal anecdotes without critique. Incomplete acknowledgment or the work of other.
References 2	Meticulous attention to referencing conventions.	Good and consistent use of referencing style.	Referencing style is sound and mostly consistent	Referencing style is at times poor and/or inconsistent in style.	Referencing style is very poor.

## Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

## Submission

Online

## Learning Outcomes Assessed

- Comprehend, analyse, and evaluate legislation and rules regulating professional and personal conduct in respect of a practitioner's duty to the law, the courts, clients and fellow practitioners
- Compare and contrast the professional conduct rules in the United States with those in Australia

## Graduate Attributes

- Communication
- Problem Solving

- Critical Thinking
- Information Literacy
- Cross Cultural Competence
- Ethical practice

## 2 Online Quizzes

### Assessment Type

Online Quiz(zes)

### Task Description

The assessment task aligns with learning outcomes (1) and (5).

There will be two quizzes in this unit.

### Quiz 1 Instructions

The quiz will be of 90 min duration consisting of questions from each of the weeks 1 through to and including week 5. The quiz will be in multiple-choice format. It is a complex quiz with each choice potentially involving multiple elements. You will receive a mark out of 20 (30x.667) representing 20% of your grade for this unit. You are allowed one attempt.

### Quiz 2 Instructions

The quiz will be of 90 min duration consisting of questions from each of the weeks 6 - 12 (excluding material from week 9 which deals with the practical skills module)

The quiz will be in multiple-choice format. It is a complex quiz with each choice potentially involving multiple elements. You will receive a mark out of 20 (30x.667) representing 20% of your grade for this unit. You are allowed one attempt.

### Number of Quizzes

2

### Frequency of Quizzes

Other

### Assessment Due Date

Week 6 Monday (20 Apr 2020) 11:55 pm AEST

\*\* Quiz 1 (week 6) ; Quiz 2 (Review/Exam Week) - see Unit Schedule for more details - to be conducted via Moodle

### Return Date to Students

Review/Exam Week Monday (8 June 2020)

\*\*Quiz 1 return 4th May 2020 or earlier \*\* Quiz 2 return 15th June 2020 - Via Moodle

### Weighting

40%

### Assessment Criteria

Answering the Quiz questions correctly.

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

Online

### Learning Outcomes Assessed

- Comprehend, analyse, and evaluate legislation and rules regulating professional and personal conduct in respect of a practitioner's duty to the law, the courts, clients and fellow practitioners
- Apply basic knowledge of the principles relating to the holding of money on trust.

### Graduate Attributes

- Problem Solving
- Critical Thinking
- Ethical practice

## 3 Client Interviewing Practical Assessment

### Assessment Type

Practical Assessment

### Task Description

The task aligns with learning outcomes (3) and (4).

**This is one of the most useful and enjoyable activities in the course given its practical focus. The instructions on how to complete the *Client Interviewing***

**Exercise are outlined below:**

The exercise is to be completed in three parts:

1. Students will nominate a team of three by the start of week 4 (Monday 30th March 2020), in default of which unallocated students will be assigned into teams by the Unit Coordinator
2. Conduct of the three interviews on or before 18th May 2020
3. Written reflection due for submission on 25th May 2020.

**Part 1- The three interviews**

Students will form into teams of three (either self-nominated or assigned). One student will play the role of a client, another the interviewer and the third student will be an observer. The process will be repeated three times by the group using different interview scenarios, enabling each group member to play each respective role. Each interview should take 15-20 minutes to complete. It is suggested that the three interviews be conducted in one hour long session. The unit coordinator will email you with your role in each interview and the supporting confidential information. Students **must not exchange** with other students the confidential information they have been provided.

The interviews will occur at a time agreed to by your group members. This will enable group members sufficient time to write their written reflection. Each of the interviews should be conducted over the Internet using Zoom. Sessions should be recorded using Zoom by the student observing the interview as that student will be writing a report on their observations in part 2 of this exercise. Having a recording is a useful method to review what happened.

**Part 2- Written reflection**

Each student will be graded on their written reflection of their experience as an observer. After submitting their reflections on moodle, students will then exchange them with the other members of their group. The written reflection should not exceed 1200 words.

The reflection at a minimum should address the following issues:

- Describe the character of the client. Were they easy or difficult to interview? Why?
- What techniques did the interviewer use to overcome any problems associated with the interview?
- Who was in control of the interview and how was that control established and manifested?
- Was there any noticeable body language, gestures, oral characteristics displayed by either the client or interviewer?
- How were the questions framed - open or closed questioning? Was this appropriate in the circumstances of the interview?
- Did the interviewer display empathy with the client's situation?
- Was the interview mechanical and following a checklist?
- What other techniques should the interviewer have adopted to improve their interviewing skills?
- What additional questions should the interviewer have asked?
- Did the interviewer stay on point or were they distracted by the client towards irrelevant considerations?
- What have you learnt about client interviewing having observed the process?

There may be other issues/matters students wish to reflect upon. Students should feel free to explore these issues as it forms part of the reflection. **Original and innovative thought is encouraged in this exercise.**

**Assessment Due Date**

Week 11 Monday (25 May 2020) 11:55 pm AEST

Via moodle

**Return Date to Students**

Review/Exam Week Monday (8 June 2020)

Via Moodle

## Weighting

20%

## Assessment Criteria

	Clarity, Presentation and Communication	Relevance of Content	Critical Reflection/Analysis
<b>High Distinction</b>	The language is advanced and sophisticated. The reader is easily given the opportunity to create a mental picture of the situation being described. Abstract concepts are explained not only succinctly but in an easy to read fashion. Explanation of concepts makes sense to an uninformed reader. There are almost no errors of expression.	The learning experience being reflected upon is relevant and meaningful to student and course learning goals.	Student applies the learning experience to understanding of self, others, and/or course concepts with a sophisticated degree of analysis.
<b>Distinction</b>	The language is clear and expressive. The reader is given the opportunity to create a mental picture of the situation being described. Abstract concepts are explained accurately. Explanation of concepts makes sense to an uninformed reader. There are few errors of expression.	The learning experience being reflected upon is relevant and meaningful to student and course/assessment learning goals.	Student applies the learning experience to understanding of self, others, and/or course concepts with varying degrees of analysis.
<b>Credit</b>	Minor, infrequent lapses in clarity, presentation and communication.	The learning experience being reflected upon is relevant to the student and course/assessment learning goals.	Student makes attempts at applying the learning experience to understanding of self, others, and/or course concepts but fails to demonstrate depth of analysis.
<b>Pass</b>	There are frequent lapses in clarity and accuracy and presentation is unstructured in parts.	Student makes attempts to demonstrate relevance, but the relevance is unclear to the reader.	Reflection does not move beyond description of the learning experience/observation
<b>Fail</b>	Language and grammar is unclear and confusing throughout. Concepts are either not discussed or are presented inaccurately.	Most of the reflection is irrelevant to the student, the exercise, the instructions and/or course/assessment learning goals.	The reflection does not describe the learning experience or if an attempt has been made to describe it, it does not appear accurate or informed.

Adapted from <https://teachingcommons.lakeheadu.ca/4-rubrics-assessing-reflective-writing>

## Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

## Submission

Online

### Submission Instructions

The final version of your written reflection must be submitted as a single PDF using 'e-Submission'. No consideration will be given to content which exceeds the 1200 word limit. When uploading your file make sure that you adopt the following naming convention: "\_\_LAWS13013\_Interview.pdf" e.g. 16789909\_Bloggs\_LAWS13013\_Interview.pdf

### Learning Outcomes Assessed

- Think creatively in researching and presenting an ethical issue to your peers
- Construct solutions to ethical issues involved with client interviewing

### Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Ethical practice

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem