



LAWS13013 Legal Professional Conduct

Term 1 - 2022

Profile information current as at 20/04/2024 09:39 pm

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

Pre-requisite: 48 credit points of law units

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 - 2022

- 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 Victoria Lambropoulos

Feedback

Assessment redesign for assessment 3 - group learning

Recommendation

Redesign of client interview assessment 3. Students struggle with collaborative learning which this assessment requires. In order to give students assessment supports and to help with self awareness on personal learning styles, material will be placed on moodle for discussion on collaborative learning. There will be a specific component in the marking rubric asking student to reflect on collaborative learning.

Feedback from Stephen Colbran

Feedback

Accessibility of documents

Recommendation

To ensure students can access document in whatever format they choose we will create the study guides to be in google docs format.

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

 N/A Level Introductory Level Intermediate Level Graduate Level Professional Level Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

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, Professional Responsibility and Legal Practice

Edition: 1st (2017)

Authors: Peter MacFarlane and Ysaiah Ross

LexisNexis Butterworths

Chatswood, NSW, Australia

ISBN: 9780409344080

Binding: Paperback

Additional Textbook Information

This book may also be available in electronic form. Please check the library website for further details.

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom (both microphone and webcam capability)

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

v.lambropoulos@cqu.edu.au

Stephen Colbran Unit Coordinator

s.colbran@cqu.edu.au

Schedule

Week 1 - 07 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
Accountability and responsibility	· Peter MacFarlane and Ysaiah Ross, <i>Ethics Professional Responsibility and Legal Practice</i> (Lexis Nexis, 1 st ed, 2017) Ch 1.	

Week 2 - 14 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
History, structure and regulation	· Peter MacFarlane and Ysaiah Ross, <i>Ethics Professional Responsibility and Legal Practice</i> (Lexis Nexis, 1 st ed, 2017) Ch 2.	

Week 3 - 21 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
Admission	<ul style="list-style-type: none"> · Peter MacFarlane and Ysaiah Ross, <i>Ethics Professional Responsibility and Legal Practice</i> (Lexis Nexis, 1st ed, 2017) Ch 3. · 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. https://lr.law.qut.edu.au/article/view/46 (checked 20/01/2022). · <i>Legal Profession Act 2009</i> (Qld) Ch 2. 	

Week 4 - 28 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
Money matters - Costs, liens and trust accounting	<ul style="list-style-type: none"> · Gino Dal Pont, <i>Lawyers' Professional Responsibility in Australia and New Zealand</i> (7th ed, 2021) Ch 14-16 extracts (e-reading) · <i>Legal Profession Act 2007</i> (Qld) Part 3.4 · <i>Legal Profession Act 2007</i> (Qld) - Part 3.3. · <i>Legal Profession Regulation 2017</i> (Qld) - Part 3.3. · Queensland Law Society, Trust Accounting Guide (checked 20/01/2022). 	

Week 5 - 04 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic
Discipline	<ul style="list-style-type: none"> · Peter MacFarlane and Ysaiah Ross, <i>Ethics Professional Responsibility and Legal Practice</i> (Lexis Nexis, 1st ed, 2017) Ch 4. 	

Vacation Week - 11 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic

Week 6 - 18 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic
Duties of Representation	<ul style="list-style-type: none"> · Peter MacFarlane and Ysaiah Ross, <i>Ethics Professional Responsibility and Legal Practice</i> (Lexis Nexis, 1st ed, 2017) Ch 5. 	

Week 7 - 25 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic
Communication and Control	<ul style="list-style-type: none"> · Ysaiah Ross, <i>Ethics in Law: Lawyers' Responsibility and Accountability in Australia</i> (Lexis Nexis, 6th ed, 2014) Ch 9 (e-reading). 	Creative challenge Due: Week 7 Monday (25 Apr 2022) 11:59 pm AEST

Week 8 - 02 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Competence and Care	<ul style="list-style-type: none"> · MacFarlane and Ross, <i>Ethics, Professional Responsibility and Legal Practice</i> (Lexis Nexis, 2017), Ch 6. · <i>Legal Profession Act 2007</i> (Qld) Parts 3.4, 3.5. 	

Week 9 - 09 May 2022

Module/Topic	Chapter	Events and Submissions/Topic

Practical Skills Module (in preparation for client interviews)

- . How to Conduct an Effective Client Interview [website]
- . Curran and Foley, Integrating Two Measures of Quality Practice into Clinical and Practical Legal Education Assessment: Good client interviewing and effective community legal education (e-reading)
- . Interviewing and advising [e-reading]
- . Salinas, Effective Client Interviewing and Counselling [via SSRN website]
- . Lawyers and Clients: The first meeting (e-reading)

Week 10 - 16 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Confidentiality	. MacFarlane and Ross, <i>Ethics, Professional Responsibility and Legal Practice</i> (Lexis Nexis, 2017) Ch 7.	

Week 11 - 23 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Conflicts of Interest	. MacFarlane and Ross, <i>Ethics, Professional Responsibility and Legal Practice</i> (Lexis Nexis, 2017), Ch 8	Client interviewing Due: Week 11 Monday (23 May 2022) 11:59 pm AEST

Week 12 - 30 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
The Adversarial System	. MacFarlane and Ross, <i>Ethics, Professional Responsibility and Legal Practice</i> (Lexis Nexis, 2017), Ch 9, 10.	

Review/Exam Week - 06 Jun 2022

Module/Topic	Chapter	Events and Submissions/Topic
		Quizzes Due: Review/Exam Week Monday (6 June 2022) 12:00 am AEST

Exam Week - 13 Jun 2022

Module/Topic	Chapter	Events and Submissions/Topic
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Term Specific Information

In 2022 we will trial team teaching between two of the most senior members of the law school. So you are in for a treat! Professor Stephen Colbran will teach the first half of the unit and Dr Victoria Lambropoulos will teach the second half of the unit. Please note Victoria is your Unit Coordinator. We welcome feedback during the term as well as through the 'have your say' responses.

Assessment Tasks

1 Creative challenge

Assessment Type

Written Assessment

Task Description

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. It also requires you to conduct a comparative analysis with a United States jurisdiction – California or New York.

Your task is to prepare a **visual scenario** depicting 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. YouTube video of no more than 3 minutes duration.

Your visual scenario should be no more than the equivalent of 1000 words (most likely far 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. As part of your summary discuss:

- Why you find the instructions repugnant?
- How you will deal with the issue depicted in your scenario in meeting your professional conduct obligations?
- Critique the relevant Queensland professional rules (or lack thereof), case law and secondary literature concerning the ethical issue in your scenario.
- Outline a brief comparative analysis of how your scenario would be dealt with in California or New York, USA.

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 due to Covid 19, 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.
- Defending an 'antivaxxer' who knowingly while infected ran a Covid-19 party contrary to Public Health warnings.
- Defending a famous tennis player who lied on their visa application to enter Australia to play in a tournament and have had their visa cancelled.

The assessment will be judged according to the requirements of the *Legal Profession Act 2007* (Qld), the *Legal Profession Regulation 2017* (Qld), the *Australian Solicitors' Conduct Rules 2012*, case law and relevant literature (**including a brief comparison with the relevant law in California or New York, USA.**)

See - <https://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Rules> - checked 24/01/2022

See - <https://nysba.org/attorney-resources/professional-standards/> - checked 24/01/2022

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

Comic:

<http://comiclife.com> (checked 14.01.2022)

<http://bitstrips.com> (checked 14.01.2022)

Animation/film:

[Cartoon Animator 4](#) (checked 14.01.2022)

[Moho Debut 13.5](#) (checked 14.01.2022)

Infographic

[The Ultimate Guide to Infographic Design](#) (checked 14.01.2022)

[Creative Blog – 13 incredible tools for creating infographics](#) (checked 14.01.2022)

Automated Infographic design systems:

<https://venngage.com> (checked 14.01.2022)

<https://infogram.com> (checked 14.01.2022)

<https://www.canva.com/create/infographics/> (checked 14.01.2022)

<https://piktochart.com> (checked 14.01.2022)

<https://www.animaker.com> - animated infographics (checked 14.01.2022)

Storyboard

<http://www.storyboardthat.com> - includes image library (checked 14.01.2022)

YouTube video

[Adobe guide – How to create and share a YouTube video](#) (checked 14.01.2022)

[Camtasia](#) (checked 14.01.2022) + [How to make a YouTube Video \(Beginner's Guide\)](#) (checked 14.01.2022)

[Animato](#) (checked 14.01.2022)

Why do we have a comparative laws element in our written assessment?

We live in a world of multiple jurisdictions where internationalisation is having a significant impact on Australia legal practice. Law schools and tertiary regulators recognise that legal education needs to be able to traverse multiple jurisdictions - see [Internationalising the Australian Law curriculum for enhanced global legal practice 2012](#) (checked 14.01.2022)

Including comparative law elements within the law curriculum across the curriculum is known as the integration approach. This assessment in LAWS13013 Legal Professional Conduct is an example of this. California was chosen as it is a common jurisdiction where Australian lawyers seek admission to the US bar.

Why do we have a creative element as part of our written assessment?

Creativity is the ability to think and create something new or original. Creativity can be an innovation concerning an existing concept (e.g., new examples of the application of existing rules) or it could be an invention of something that doesn't already exist (e.g., a new situation, not covered by the rules, requiring a new rule).

To meet the challenge of artificial intelligence, lawyers need to become far more creative and distinguish their abilities from what otherwise can be done by software. Lack of creativity of lawyers is recognised in popular blogs as a problem for the profession:

[Jeff Bennion, Can lawyers be creative? Above the law Nov 8, 2016](#) (checked 14.01.2022)

[Jill Switzer, Robots will never be creative as lawyers, Above the law Dec 6, 2017](#) (checked 14.01.2022)

For those interested in some of the academic literature on why creative thinking is important to lawyers see:

[Janet Weinstein and Linda Morton, Stuck in a rut: the role of creative thinking in problem solving and legal education \(2003\) 9 Clinical Law Review 835](#) (checked 14.01.2022)

[Samantha Moppett, Lawyering outside the box: Confronting the creativity crisis \(2013\) 37 Southern Illinois University Law Journal 253](#) (checked 14.01.2022)

**We will be aiming to hold a visual (film, comic, animation, infographic etc) festival where students will be able to display their work online for their peers to view.

Assessment Due Date

Week 7 Monday (25 Apr 2022) 11:59 pm AEST

Online Submission

Return Date to Students

Week 9 Monday (9 May 2022)

Returned 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 a 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

Submission Instructions

The final version of your visual scenario must be submitted as a single PDF using 'e-Submission'. No consideration will be given to content which exceeds the 2000-word limit. When uploading your file make sure that you adopt the following naming convention: "__LAWS13013_Creative_Challenge.pdf" e.g. 16789909_Bloggs_LAWS13013_Creative_Challenge.pdf

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 Quizzes

Assessment Type

Online Quiz(zes)

Task Description

This assessment comprises 2 quizzes.

Task Description

Quiz 1 Instructions: Available on **Monday 18 April**

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: Available **Monday 6 June.**

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.

*If any of these dates changes students will be advised during term.

Number of Quizzes

2

Frequency of Quizzes

Other

Assessment Due Date

Review/Exam Week Monday (6 June 2022) 12:00 am AEST

Please ignore these details - further details will be placed on moodle

Return Date to Students

Exam Week Friday (17 June 2022)

Returned online - please ignore these details further information will be placed on moodle.

Weighting

40%

Assessment Criteria

This assessment comprises 2 quizzes.

Task Description

Quiz 1 Instructions: Available on **Monday 18 April**

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: Available **Monday 6 June.**

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.
*If any of these dates changes students will be advised during term.

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

Assessment Type

Practical Assessment

Task Description

Task Summary

This assessment has two parts. (1) The interview and (2) the writing. In this assessment you will get together with two other students and form a group of three students. I will send you a set of confidential instructions once the groups are finalised via email. In those instructions you are given details about three client interviews. You are to conduct these interviews in your group of three. In one interview you will play the client, then next interview the lawyer and the third the observer. As an observer you will write notes and reflect upon the performance of the student who plays the lawyer/interviewer. Students are to conduct the interviews via zoom and record the sessions.

You will critique and reflect upon the performance of the interviewer. Your written reflection **must contain material on the following:**

- **Did you see evidence that the interviewer constructed solutions to ethical issues involved in the client interview and/or could they think creatively in relation to an ethical issue(s) in the interview?**
- **Incorporate your own reflections/observations regarding how to address ethical issues which can come up in legal practice. This may arise from the interviews or from the learning resources.**
- **Write your own reflections/observations on your experience of working in a group. Reference some of the material on collaborative learning provided.**

(these issues will likely overlap)

Hint: In writing your reflection clearly signpost these issues by providing sub-headings throughout. This will make it easier for the reader.

You will submit the reflection on moodle which will be 1500 words.

Relevance : Why am I doing this? The simple answer is that students need to develop practical skills of what a lawyer actually does in practice. One of the first things that lawyers learn to do is to interview clients. This is an example of authentic learning. Although many of you may not become lawyers the skill of interviewing (which is really just asking a person a series of structured questions) is relevant to many different jobs. Therefore the skills are transferable to many contexts.

Instructions on how to complete the Client Interviewing Exercise

The exercise is to be completed in three stages:

1. Get into a group: Students will nominate a team of three by **21 March 2022** in default of which unallocated students will be assigned into teams. On moodle behind the assessment tab you will find a link where you can select a group. Ideally, it would be best if you consulted with other students before you put your name down in a group. Use the moodle discussion site to find group members.
2. Conduct the three interviews on or before the **16 May 2022**
3. Written reflection due for submission on or before the **23 May 2022**.

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. Students are to record the session on zoom. Share the recording with all group members. You do not need to submit the recording. It is kept for your own purpose so that you can go back to it when you are completing the written reflection. The unit coordinator will email you with your role in each interview and the supporting confidential information. Students **must not exchange** these instructions. This is important to ensure that the interview is as close to an authentic experience as possible.

Written reflection – 1500 words (this is what you submit to moodle)

Each student will be graded on their written reflection of their experience as an observer. After e-submitting the reflections, as a single pdf document, students will then exchange them with the other members of their group. The written reflection should not exceed 1500 words.

Assessment Due Date

Week 11 Monday (23 May 2022) 11:59 pm AEST

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

Return Date to Students

Exam Week Friday (17 June 2022)

The results will be withheld until the release of all grades

Weighting

20%

Assessment Criteria

Task-specific marking/assessment rubric for the redesigned task

(Reference see: [Assessment rubrics | The University of Edinburgh](#))

Criteria	High Distinction - Excellent 85-100%	Distinction - Very good 75-84%	Credit - Good 65-74%	Pass - Satisfactory 50-64%	Fail - poor <50% (less than)
Clarity, Presentation and Communication - 5 marks	The language is advanced and sophisticated. There are almost no errors of expression.	The language is clear. The reflection is easy to read and follow. There are few errors of expression.	Language is generally clear but there are some parts which are hard to read. There are errors of expression which are minor but frequent.	Language is not clear but it is still readable with some significant errors of expression.	Language and grammar is unclear and confusing throughout. This makes the work hard to read and understand. Did not proofread/edit.
Reflection/Analysis - 15 marks	Addresses all of the content in a comprehensive way. Supporting material is appropriately referred to throughout displaying a thorough/ excellent knowledge of the material.	Addresses all of the content in a thorough way. Supporting material is appropriately referred to throughout displaying a very good knowledge of the material.	Addresses all of the content outlined in the instructions. Comments are adequate and the supporting material is generally referred to appropriately. There are some errors or omissions.	Made an attempt to address the content outlined in the instructions. However it was superficial in major parts. Does not refer to any of the supporting material. Alternatively referred to one or two references.	Does not address the content outlined in the instructions. Where the content is addressed it is superficial.

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