

Profile information current as at 12/05/2024 10:04 am

All details in this unit profile for LAWS13013 have been officially approved by CQUniversity 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-requisites: LAWS11059, LAWS11066, LAWS11069, LAWS12078.

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 <u>Assessment Policy and Procedure (Higher Education Coursework)</u>.

Offerings For Term 1 - 2024

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 <u>University's Grades and Results Policy</u> 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 <u>CQUniversity Policy site</u>.

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 UC

Feedback

To refresh the weekly tutorial materials in order to ensure that they are authentic and simulate problems in practice.

Recommendation

This will be done.

Feedback from UC

Feedback

To provide greater guidance on useful feedback.

Recommendation

This will be done.

Unit Learning Outcomes

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

- 1. Analyse, evaluate and critique the 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. Research and design an ethical problem and solution which involves content from an international jurisdiction.
- 3. Formulate solutions to ethical issues involved with client interviewing and trust accounts

N/A Introductory Level Intermediate Level Graduate Level Advanced Level Level					
Alignment of Assessment Tasks to Learning Outo	omes				
Assessment Tasks Learning Outcomes					
	1	2	2	3	
1 - Written Assessment - 40%	•	•	•		
2 - Online Quiz(zes) - 40%	•			•	
3 - Practical Assessment - 20%	•	•	•	•	
Alignment of Graduate Attributes to Learning Ou	tcomes				
Graduate Attributes	Le	arning (Outcomes		
		1	2	3	
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 Learning Outcomes, Assessment and Graduate Attributes

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

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: <u>Australian Guide to Legal Citation</u>, 4th ed For further information, see the Assessment Tasks.

Teaching Contacts

Andrea Turner Unit Coordinator

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Schedule

Week 1 - 04 Mar 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Accountability and Responsibility	Peter MacFarlane and Ysaiah Ross, Ethics Professional Responsibility and Legal Practice (Lexis Nexis, 1 st ed, 2017) Ch 1.	
Week 2 - 11 Mar 2024		
Module/Topic	Chapter	Events and Submissions/Topic
History, Structure and Regulation	Peter MacFarlane and Ysaiah Ross, Ethics Professional Responsibility and Legal Practice (Lexis Nexis, 1 st ed, 2017) Ch 2.	
Week 3 - 18 Mar 2024		
Module/Topic	Chapter	Events and Submissions/Topic

Admission	· Peter MacFarlane and Ysaiah Ross, Ethics Professional Responsibility and Legal Practice (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 courtst (2008) 8(2) QUTLJ 314-341. https://lr.law.qut.edu.au/article/view/46 (checked 03/02/2023). · Legal Profession Act 2009 (Qld) Ch 2.	
Week 4 - 25 Mar 2024		
Module/Topic	Chapter · Gino Dal Pont, Lawyers' Professional Responsibility in Australia and New Zealand (7 th ed, 2021) Ch 14-16 extracts (e-reading) · Legal Profession Act 2007 (Qld) Part 3.4	Events and Submissions/Topic
Money Matters - Costs, Liens and Trust accounting	· Legal Profession Act 2007 (Qld) - Part 3.3. · Legal Profession Regulation 2017 (Qld) - Part 3.3. · Queensland Law Society, Trust Accounting Guide (checked 03/02/2023).	Nominate interview group (29/3/2024).
Week 5 - 01 Apr 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Discipline	· Peter MacFarlane and Ysaiah Ross, Ethics Professional Responsibility and Legal Practice (Lexis Nexis, 1 st ed, 2017) Ch 4.	Written assessment due 1/4/2024. Admission application Due: Week 5 Monday (1 Apr 2024) 11:59 pm AEST
Vacation Week - 08 Apr 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Week 6 - 15 Apr 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Duties of Representation	Peter MacFarlane and Ysaiah Ross, Ethics Professional Responsibility and Legal Practice (Lexis Nexis, 1 st ed, 2017) Ch 5.	Quiz 1 (19.4.2024)
Week 7 - 22 Apr 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Communication and Control	Ysaiah Ross, Ethics in Law: Lawyers' Responsibility and Accountability in Australia (Lexis Nexis, 6 th ed, 2014) Ch 9 (e-reading).	
Week 8 - 29 Apr 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Competence and Care	MacFarlane and Ross, Ethics, Professional Responsibility and Legal Practice (Lexis Nexis, 2017), Ch 6. Legal Profession Act 2007 (Qld) Parts 3.4, 3.5.	
Week 9 - 06 May 2024		

Module/Topic Client Interviewing	Chapter Lise Barry (editor), Lawyers: Roles, Skills and Responsibilities, Lawbook Co, 2013 ch 3 (e-reading) Curran, Liz and Tony Foley, 'Integrating Two Measures of Quality Practice into Clinical and Practical Legal Education Assessment: Good Client Interviewing and Effective Community Legal Education' (2014) 21(1) International Journal of Clinical Legal Education 69 Salinas, O.J., Effective Client Interviewing and Counseling (February 1, 2014). UNC Legal Studies Research Paper No. 2401119, Available at SSRN:	
	https://ssrn.com/abstract=2401119 or http://dx.doi.org/10.2139/ssrn.2401119 Sherr, Avrom, 'Lawyers and clients: The first meeting' (1986) 49(3) <i>Modern</i> <i>Law Review</i> 323	
Week 10 - 13 May 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Confidentiality	MacFarlane and Ross, <i>Ethics,</i> <i>Professional Responsibility and Legal</i> <i>Practice</i> (Lexis Nexis, 2017) Ch 7.	Interviews to be completed by 17/5/2024.
Week 11 - 20 May 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Conflicts of Interest	MacFarlane and Ross, <i>Ethics,</i> <i>Professional Responsibility and Legal</i> <i>Practice</i> (Lexis Nexis, 2017), Ch 8	Written reflection due 24/5/2024. Client Interviewing Due: Week 11 Friday (24 May 2024) 11:59 pm AEST
Week 12 - 27 May 2024		
Module/Topic	Chapter	Events and Submissions/Topic
The Adversarial System	MacFarlane and Ross, Ethics, Professional Responsibility and Legal Practice (Lexis Nexis, 2017), Ch 9, 10.	
Review/Exam Week - 03 Jun 2024		
Module/Topic	Chapter	Events and Submissions/Topic Quiz 2 (6/6/2024).
Exam Week - 10 Jun 2024		
Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Admission application

Assessment Type

Written Assessment

Task Description

This assessment is designed to assist you in preparing your application for admission as a solicitor in Queensland. It also requires you to conduct a comparative analysis considering your ability to be admitted in the State of California in the United States of America.

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 29.1.24) 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.

Assessment Due Date

Week 5 Monday (1 Apr 2024) 11:59 pm AEST Via Moodle.

Return Date to Students

Week 7 Monday (22 Apr 2024) Via Moodle.

Weighting

40%

Assessment Criteria

Task-specific marking/assessment rubric

(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 - 10 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.
Use of the correct forms and content - 20 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.

Analysis of Californian Bar admission 10 marks	Addresses all of the elements of Californian admission in a comprehensive way. Supporting material addresses the students ability to meet the requirements throughout displaying a thorough/ excellent knowledge of the material.	Addresses all of the elements of Californian admission in a thorough way. Supporting material addresses the students ability to meet the requirements throughout displaying a very good knowledge of the material.	Addresses all of the elements of Californian admission in an adequate way. Supporting material addresses the students ability to meet the requirements throughout displaying a an appropriate knowledge of the material. 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.
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Referencing Style

Australian Guide to Legal Citation, 4th ed

Referencing Style

• Australian Guide to Legal Citation, 4th ed

Submission

Online

Submission Instructions

The final version of your Admission Application must be submitted as a single PDF using 'e-Submission'. When uploading your file make sure that you adopt the following naming convention: "__LAWS13013_Admission_Application.pdf" e.g. 16789909 Bloggs LAWS13013 Admission Application.pdf

Learning Outcomes Assessed

- Analyse, evaluate and critique the legislation and rules regulating professional and personal conduct in respect of a practitioner's duty to the law, the courts, clients and fellow practitioners
- Research and design an ethical problem and solution which involves content from an international jurisdiction.

2 Quizzes

Assessment Type

Online Quiz(zes)

Task Description

This assessment comprises 2 guizzes.

Task Description

Quiz 1 Instructions: Available on 19 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 **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.

Number of Quizzes

2

Frequency of Quizzes

Other

Assessment Due Date

See Task Description for Quiz availability dates.

Return Date to Students

The results will be released a day after the quizzes close.

Weighting

40%

Assessment Criteria

This assessment comprises 2 quizzes.

Task Description

Quiz 1 Instructions: Available on 19 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 **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

Referencing Style

• Australian Guide to Legal Citation, 4th ed

Submission

Online

Learning Outcomes Assessed

- Analyse, evaluate and critique the legislation and rules regulating professional and personal conduct in respect of a practitioner's duty to the law, the courts, clients and fellow practitioners
- Formulate solutions to ethical issues involved with client interviewing and trust accounts

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. The Unit Coordinator 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 issues which may overlap:

- 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.

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 no more than 1500 words.

Relevance: Why am I doing this?

The simple answer is that students need to develop the skills that a lawyer actually uses in practice. One of the first things that lawyers learn to do is to interview clients. This is an example of authentic learning. You will also learn the ethical requirements for interviewing and how to construct proper file notes. Although some of you may not become practising 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 Interview

The exercise is to be completed in three stages:

1. Get into a group: Students will nominate a team of three by 29 March 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 17 May.
- 3. Written reflection due for submission on or before the 24 May.

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 Friday (24 May 2024) 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 1500-word limit. When uploading your file make sure that you adopt the following naming convention: " LAWS13013 Interview.pdf" e.g. 16789909 Bloggs LAWS13013 Interview.p

Return Date to Students

Review/Exam Week Friday (7 June 2024) Via Moodle.

Weighting

20%

Assessment Criteria

Task-specific marking/assessment rubric

(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

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

- Analyse, evaluate and critique the legislation and rules regulating professional and personal conduct in respect of a practitioner's duty to the law, the courts, clients and fellow practitioners
- Research and design an ethical problem and solution which involves content from an international jurisdiction.
- Formulate solutions to ethical issues involved with client interviewing and trust accounts

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 <u>Academic Learning Centre (ALC)</u> 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