

LAW402 Professional Conduct

School: School of Law and Society

2023 | Semester 2

UniSC Sunshine Coast

**BLENDED
LEARNING**

Most of your course is on campus but you may be able to do some components of this course online.

Please go to usc.edu.au for up to date information on the teaching sessions and campuses where this course is usually offered.

1. What is this course about?

1.1. Description

In this course you will study ethical decision-making and rules of professional conduct regulating the way legal practitioners deal with the courts, their clients and other lawyers. You will examine critically the way in which entry to and membership of the legal profession is regulated by the Legal Profession Act 2007 (Qld), including the concepts of 'unsatisfactory professional conduct' and 'professional misconduct'. You will study and apply the rules dealing with receipt of trust monies, administration of trust accounts and the consequences of a breach of trust.

1.2. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
BLENDED LEARNING			
Learning materials – Online Learning Materials	1.5hrs	Week 1	13 times
Tutorial/Workshop 1 – On campus 2 hours in weeks 2-13	2hrs	Week 1	12 times
Seminar – 1 hour seminar in weeks 1 and 5.	1hr	Week 1	2 times

1.3. Course Topics

- The concept of professional responsibility;
- An overview of the regulatory regime for lawyers;
- Admission to practice;
- The lawyer/client relationship;
- The business of conducting a legal practice;
- Costs/ Billing; Client Agreements and disclosure;
- Trust Accounting, the Duty to Account; the set up (and conduct) of a Trust Account
- Duties to the Client: Identifying and responding to conflicts of interest
- Duties to the client: Confidentiality
- Ethics;
- Dealing with Difficult Clients;
- Disciplinary proceedings—what, how and why?
- Legal Professional Privilege
- Duties to the administration of justice; Fidelity to the Law
- Access to Justice;
- The moulding of a Professional Identity

2. What level is this course?

400 Level (Graduate)

Demonstrating coherence and breadth or depth of knowledge and skills. Independent application of knowledge and skills in unfamiliar contexts. Meeting professional requirements and AQF descriptors for the degree. May require pre-requisites where discipline specific introductory or developing knowledge or skills is necessary. Normally undertaken in the third or fourth full-time study year of an undergraduate program.

3. What is the unit value of this course?

12 units

4. How does this course contribute to my learning?

COURSE LEARNING OUTCOMES	GRADUATE QUALITIES
On successful completion of this course, you should be able to...	Completing these tasks successfully will contribute to you becoming...
1 Synthesise, interpret and apply relevant legal, ethical and factual matters.	Knowledgeable Ethical
2 Apply critical analysis to generate appropriate and practical responses to complex problems with accountability and professionalism.	Creative and critical thinker Sustainability-focussed
3 Communicate persuasively and effectively.	Empowered Engaged

5. Am I eligible to enrol in this course?

Refer to the [UniSC Glossary of terms](#) for definitions of “pre-requisites, co-requisites and anti-requisites”.

5.1. Pre-requisites

LAW202 and LAW204 and enrolled in any Law Program.

5.2. Co-requisites

Not applicable

5.3. Anti-requisites

Not applicable

5.4. Specific assumed prior knowledge and skills (where applicable)

Not applicable

6. How am I going to be assessed?

6.1. Grading Scale

Standard Grading (GRD)

High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL).

6.2. Details of early feedback on progress

In the first 4 weeks of the semester, students prepare policies and practice guides for the conduct of a Law firm, which are to inform the assessment. Those policies and practice guides will be peer reviewed and formative feedback provided by the tutor, as to their adequacy and the progress of your understanding and learning.

6.3. Assessment tasks

DELIVERY MODE	TASK NO.	ASSESSMENT PRODUCT	INDIVIDUAL OR GROUP	WEIGHTING %	WHAT IS THE DURATION / LENGTH?	WHEN SHOULD I SUBMIT?	WHERE SHOULD I SUBMIT IT?
All	1	Oral	Individual	20%	15 minutes	Week 5	To be Negotiated
All	2	Oral and Written Piece	Individual	30%	10 minutes for the oral submission, with 1500 words of accompanying written submissions	Week 9	Online Assignment Submission with plagiarism check and in class
All	3	Written Piece	Individual	50%	3000 words	Week 13	Online Assignment Submission with plagiarism check

All - Assessment Task 1: Oral Advice to a Fictitious Client

GOAL:	<p>The goal of this task is for you to:</p> <p>Demonstrate your understanding of complex ethical issues and rules of professional conduct;</p> <p>Apply legal reasoning and research skills to resolve ethical dilemmas and duty-based issues in relation to a client;</p> <p>Exercise professional judgement to generate a response to a problem scenario;</p> <p>Communicate effectively, appropriately and persuasively.</p>					
PRODUCT:	Oral					
FORMAT:	This is an individual task of up to 15 minutes					
CRITERIA:	No.					Learning Outcome assessed
	1	Knowledge and understanding of the topic				1
	2	Analysis and argument				1 2
	3	Oral presentation				3

All - Assessment Task 2: Submission to a Mock Tribunal / Court

GOAL:	The goal of this task is for you to use the workshop tasks and experience from week 2 onwards to make an oral submission to a mock tribunal/court with accompanying written submissions.					
PRODUCT:	Oral and Written Piece					
FORMAT:	<p>The written outline of argument simulates court room practice. The outline will be, 1500 words, completed individually, with references to legal authorities in AGLC 4 format.</p> <p>The oral simulates court room practice. The oral will consist of answers to oral questions without notice over a total period of 10 minutes, provided by the examiner, who will simulate the role of a judicial officer. The questions will be formulated with reference to the problem posed, and the written submission.</p>					

CRITERIA:	No.	Learning Outcome assessed
	1	Critically analyse contemporary legal developments with reference to broader contexts 2
	2	Identify and articulate relevant legal and ethical issues 1
	3	Research, interpret and synthesise relevant legal principles 1 2
	4	Analyse legal and factual matters to reach a conclusion 2
	5	Communicate effectively in an oral and written format 3

All - Assessment Task 3: Business Plan and Policies

GOAL:	The task will enable you to: demonstrate knowledge of the rules and practices related to the professional obligations of legal practitioners; demonstrate analytic reasoning to interpret statutes and evaluate judicial conclusions communicate effectively, appropriately and persuasively.								
PRODUCT:	Written Piece								
FORMAT:	Business Plan and Policies; You will draw upon your knowledge from all topics to generate a response to legal issues arising from the application of the rules and practices concerning the manner in which legal practitioners are required to deal with the law, the courts, their clients and other lawyers.								
CRITERIA:	<table> <tr> <th>No.</th><th>Learning Outcome assessed</th></tr> <tr> <td>1</td><td>Knowledge and understanding of the topic 1</td></tr> <tr> <td>2</td><td>Analysis and argument 2</td></tr> <tr> <td>3</td><td>Structure and writing 3</td></tr> </table>	No.	Learning Outcome assessed	1	Knowledge and understanding of the topic 1	2	Analysis and argument 2	3	Structure and writing 3
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1	Knowledge and understanding of the topic 1								
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7. Directed study hours

A 12-unit course will have total of 150 learning hours which will include directed study hours (including online if required), self-directed learning and completion of assessable tasks. Student workload is calculated at 12.5 learning hours per one unit.

8. What resources do I need to undertake this course?

Please note: Course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Canvas site– Please log in as soon as possible.

8.1. Prescribed text(s) or course reader

Please note that you need to have regular access to the resource(s) listed below. Resources may be required or recommended.

REQUIRED?	AUTHOR	YEAR	TITLE	EDITION	PUBLISHER
Required	Paula Baron,Lillian Corbin	0	Ethics and Legal Professionalism in Australia	Third Edition	Oxford

8.2. Specific requirements

Not applicable

9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low. It is your responsibility to review course material, search online, discuss with lecturers and peers and understand the health and safety risks associated with your specific course of study and to familiarise yourself with the University's general health and safety principles by reviewing the [online induction training for students](#), and following the instructions of the University staff.

10. What administrative information is relevant to this course?

10.1. Assessment: Academic Integrity

Academic integrity is the ethical standard of university participation. It ensures that students graduate as a result of proving they are competent in their discipline. This is integral in maintaining the value of academic qualifications. Each industry has expectations and standards of the skills and knowledge within that discipline and these are reflected in assessment.

Academic integrity means that you do not engage in any activity that is considered to be academic fraud; including plagiarism, collusion or outsourcing any part of any assessment item to any other person. You are expected to be honest and ethical by completing all work yourself and indicating in your work which ideas and information were developed by you and which were taken from others. You cannot provide your assessment work to others. You are also expected to provide evidence of wide and critical reading, usually by using appropriate academic references.

In order to minimise incidents of academic fraud, this course may require that some of its assessment tasks, when submitted to Canvas, are electronically checked through Turnitin. This software allows for text comparisons to be made between your submitted assessment item and all other work to which Turnitin has access.

10.2. Assessment: Additional Requirements

Eligibility for Supplementary Assessment

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

The final mark is in the percentage range 47% to 49.4%

The course is graded using the Standard Grading scale

You have not failed an assessment task in the course due to academic misconduct

10.3. Assessment: Submission penalties

Late submission of assessment tasks may be penalised at the following maximum rate:

- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.

- 10% (of the assessment task's identified value) for the third day - 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.

- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task. Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

10.4. SafeUniSC

UniSC is committed to a culture of respect and providing a safe and supportive environment for all members of our community. For immediate assistance on campus contact SafeUniSC by phone: [07 5430 1168](tel:0754301168) or using the [SafeZone](#) app. For general enquires contact the SafeUniSC team by phone [07 5456 3864](tel:0754563864) or email safe@usc.edu.au.

The SafeUniSC Specialist Service is a Student Wellbeing service that provides free and confidential support to students who may have experienced or observed behaviour that could cause fear, offence or trauma. To contact the service call [07 5430 1226](tel:0754301226) or email studentwellbeing@usc.edu.au.

10.5. Study help

For help with course-specific advice, for example what information to include in your assessment, you should first contact your tutor, then your course coordinator, if needed.

If you require additional assistance, the Learning Advisers are trained professionals who are ready to help you develop a wide range of academic skills. Visit the [Learning Advisers](#) web page for more information, or contact Student Central for further assistance: +61 7 5430 2890 or studentcentral@usc.edu.au.

10.6. Wellbeing Services

Student Wellbeing provide free and confidential counselling on a wide range of personal, academic, social and psychological matters, to foster positive mental health and wellbeing for your academic success.

To book a confidential appointment go to [Student Hub](#), email studentwellbeing@usc.edu.au or call 07 5430 1226.

10.7. AccessAbility Services

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, learning disorder mental health issue, injury or illness, or you are a primary carer for someone with a disability or who is considered frail and aged, [AccessAbility Services](#) can provide access to appropriate reasonable adjustments and practical advice about the support and facilities available to you throughout the University.

To book a confidential appointment go to [Student Hub](#), email AccessAbility@usc.edu.au or call 07 5430 2890.

10.8. Links to relevant University policy and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Central Examinations
- Deferred Examinations
- Student Conduct
- Students with a Disability

For more information, visit <https://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

10.9. Student Charter

UniSC is committed to excellence in teaching, research and engagement in an environment that is inclusive, inspiring, safe and respectful. The [Student Charter](#) sets out what students can expect from the University, and what in turn is expected of students, to achieve these outcomes.

10.10. General Enquiries

In person:

- **UniSC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **UniSC Moreton Bay** - Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **UniSC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **UniSC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **UniSC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **UniSC Caboolture** - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

Tel: +61 7 5430 2890

Email: studentcentral@usc.edu.au