



# **LAWS13013 Legal Professional Conduct**

## **Term 1 - 2019**

Profile information current as at 07/07/2025 01:18 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

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 - 2019

- 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 Your Say

##### Feedback

The content of the subject is the best aspect. It is so applicable and if you're going to get yourself into professional trouble, there is a high chance it will be because of an ethical issue.

##### Recommendation

Maintain practical authentic assessment.

#### Feedback from Have Your Say

##### Feedback

The best aspect of this unit was the group assignment, I had a really good group, which always makes it better. To my surprise the Creative Challenge was also okay. Though it was a little out of the box

##### Recommendation

Maintain the group interviewing assessment.

#### Feedback from Have Your Say

##### Feedback

Would prefer quizzes to be over a weekend to allow more time to complete them. As a full time Mon-Fri worker, having them on weekdays makes it difficult when having to balance work/family life also. Question why the last quiz was in Week 11, not week 12, particularly when second assessment was also due in Wk 11. Meant limited time to get across Wk 11 material and no real revision time.

##### Recommendation

Schedule quiz for weekends. Schedule quiz 2 in week 12.

## 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



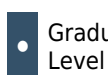
N/A  
Level



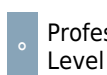
Introductory  
Level



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%	•	•			

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
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**

Edition: 6th ed (2014)

Authors: Ysaiah Ross

LexisNexis Butterworths

Sydney , NSW , Australia

ISBN: 9780409332803

Binding: Paperback

#### **Additional Textbook Information**

Copies are available to 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

[v.lambropoulos@cqu.edu.au](mailto:v.lambropoulos@cqu.edu.au)

## Schedule

### **Week 1 - Accountability & Responsibility - 11 Mar 2019**

Module/Topic	Chapter	Events and Submissions/Topic
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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 - 18 Mar 2019

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 - 25 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
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Problems 9 - 11

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) *QUTLJ* 314-341.  
 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:

- Evaluate the arguments for and against the licensing of legal practitioners;
- Explain the nature and source of restrictions on entry to the legal profession in Queensland; and
- Criticise the manner in which the requirement that an applicant must be of good fame and character has been applied.

#### Week 4 - Costs & Liens \* Nominate groups for client Interview - 01 Apr 2019

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 1st April 2019

#### Week 5 - Discipline - 08 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
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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.

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.

Problems 22 - 25

Quiz 1 available from midday Sunday 14th April AEST closes Monday 15th April at 11.55pm AEST

#### **Vacation Week (non-teaching period) - 20% Quiz 1 Due (Weeks 1 - 5) - 15 Apr 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Quiz 1 - 20%	Weeks 1 - 5	Available Sunday 14th April at midday (AEST) until 11.55pm Monday 15th April 2019 Quiz is available during this period to complete

#### **Week 6 - Duties of Representation - \* Creative Challenge Due - 22 Apr 2019**

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.

Creative Challenge Due 40% - Monday 22nd April 2019

**Creative challenge** Due: Week 6 Monday (22 Apr 2019) 12:00 am AEST

## Week 7 - Communication & Control - 29 Apr 2019

Module/Topic

Chapter

Events and Submissions/Topic

Problems 28 - 31

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:

- Outline three models of control of the lawyer-client relationship and discuss the advantages and disadvantages of each;
- Identify three legitimate expectations that clients of legal practitioners normally possess;
- Define and appraise the parameters of the legal practitioners obligation (a) to inform and advise, and (b) to obey;
- Identify the particular problems that lawyers representing disadvantaged clients might face; and
- Consider problems that may arise from counsel's inexperience.

#### Week 8 - Competence & Care - 06 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Problem 32	<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>	

#### Week 9 - Practical Skills Module - 13 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
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- Critically evaluate your ethical obligations in relation a client interview.

Module/Topic	Chapter	Events and Submissions/Topic
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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 27th May 2019 - Written Reflection Due on Client Interview.

**Client Interviewing Practical Assessment** Due: Week 11 Monday (27 May 2019) 11:55 pm AEST

## Week 12 - The Adversarial System \* Quiz 2 (weeks 6 - 12) - 03 Jun 2019

Module/Topic

Chapter

Events and Submissions/Topic

Problems 38 - 42

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.

Quiz 2 (weeks 6 - 12 excluding practical skills module) - 20% Sunday 9th June 2019 test is made available to complete by Monday 10th June 2019.

## Review/Exam Week - 10 Jun 2019

Module/Topic

Chapter

Events and Submissions/Topic

Quiz 2 due by Monday 10th June 2019

Quiz 2 is due on Monday 10th June 2019 at 11.55pm

**Online Quizzes** Due: Review/Exam Week Monday (10 June 2019) 11:55 pm AEST

## Exam Week - 17 Jun 2019

Module/Topic	Chapter	Events and Submissions/Topic
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## 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. 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.

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 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://comiclife.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 6 Monday (22 Apr 2019) 12:00 am AEST

**Return Date to Students**

Week 8 Monday (6 May 2019)

**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 (4) 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.
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## Referencing Style

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

## Submission

No submission method provided.

## 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

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

Review/Exam Week Monday (10 June 2019) 11:55 pm AEST

Note this information is only for Quiz 2. Quiz 1 is due 15th April 2019.

### Return Date to Students

Review/Exam Week Friday (14 June 2019)

### 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**

No Assessment Task Description

#### **Assessment Due Date**

Week 11 Monday (27 May 2019) 11:55 pm AEST

Written reflection is due Week 11 Monday 27th May 2019. Note students to conduct client interviews by 20th May 2019.

#### **Return Date to Students**

Exam Week Monday (17 June 2019)

#### **Weighting**

20%

#### **Assessment Criteria**

#### **Instructions on how to complete the Client Interviewing Exercise**

The exercise is to be completed in three parts:

1. Students will nominate a team of three by the start of week 5 (1st April 2019), in default of which unallocated students will be assigned teams by 5th April 2019.
2. Conduct of the three interviews on or before 20th May 2019.
3. Written reflection due for submission on 27th May 2019.

#### **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, but must be completed on or before 20th May 2019. 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 e-submitting their reflections, as a single pdf document, students will then exchange them with the other members of their group. The written reflection should not exceed 1200 words.

The reflection 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?

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:

"<student number>\_<surname>\_LAWS13013\_Interview.pdf" e.g.  
16789909\_Bloggs\_LAWS13013\_Interview.pdf

#### **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**

- 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
- 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