

Course Outline

Code: LAW402 Title: Professional Conduct

School: Law and Criminology
Teaching Session: Semester 2
Year: 2020

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Please go to the USC website 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 Field trips, WIL placements or activities required by professional accreditation

Activity	Details
N/A	N/A

2. What level is this course?

400 level Graduate - Independent application of graduate knowledge and skills. Meets AQF and professional requirements. May require pre-requisites and developing level knowledge/skills. Normally taken in the 4th 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?

Specific Learning Outcomes On successful completion of this course, you should be able to:	Assessment tasks You will be assessed on the learning outcomes in task/s:	Graduate Qualities or Professional Standards mapping Completing these tasks successfully will contribute to:
Synthesise, interpret and apply relevant legal, ethical and factual matters.	1,2 and 3	Ethical. Knowledgeable.
Apply critical analysis to generate appropriate and practical responses to complex problems with accountability and professionalism.	1,2 and 3	Creative and critical thinking. Sustainability focussed.
Communicate persuasively and effectively.	1,2 and 3	Empowered. Engaged.

5. Am I eligible to enrol in this course?

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

5.1 Enrolment restrictions

Enrolled in any Law program

5.2 Pre-requisites

LAW202 and LAW204

5.3 Co-requisites

Nil

5.4 Anti-requisites

Nil

5.5 Specific assumed prior knowledge and skills (where applicable)

Nil

6. How am I going to be assessed?

6.1 Grading scale

Standard – 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 in week 5. Those policies and practice guides will be peer reviewed and formative feedback provided by the lecturer, as to their adequacy and the progress of the students understanding and learning.

6.3 Assessment tasks

Task No.	Assessment Product	Individual or Group	Weighting %	What is the duration / length?	When should I submit?	Where should I submit it?
1	Oral	Individual	20%	15 minutes	5 pm Friday Week 6	To be negotiated
2a	Written Piece	Individual	15%	1500 words	5pm on the Monday prior to the date for your oral submission (2b)	Online Assignment Submission with Plagiarism check
2b	Oral	Individual	15%	10 minutes	Week 9-10	In Class
3	Examination	Individual	50%	4 Hours, 2500 words	Central Examination Period	Online Assignment Submission with Plagiarism check
			100%			

Assessment 1: Oral Advice to a fictitious client

Goal:	<p>The goal of this task is for you to:</p> <ul style="list-style-type: none"> • Demonstrate your understanding of complex ethical issues and rules of professional conduct; • Apply legal reasoning and research skills to resolve ethical dilemmas and duty-based issues in relation to a client; • Exercise professional judgement to generate a response to a problem scenario; • Communicate effectively, appropriately and persuasively.
Product:	Oral
Format:	This is an individual task of up to 15 minutes
Criteria:	<ul style="list-style-type: none"> • Knowledge and understanding of the topic • Analysis and argument • Oral presentation

Assessment Task 2a: Written submission to a mock tribunal /court

Goal:	<p>The goal of this task is for you to use the workshop tasks and experience from week 2 onwards to demonstrate an ability to:</p> <ol style="list-style-type: none"> 1. Critically analyse contemporary legal principles within a practical context 2. Identify and articulate legal issues arising from a practical scenario in which professional misconduct or unprofessional conduct has occurred; 3. Research independently, interpret legal decisions and statutes and synthesise relevant legal principles to develop arguments for and against the practical scenario presented; 4. Analyse and critically evaluate legal and factual issues to generate appropriate responses to complex problems with a practical focus; <p>Communicate professional arguments representing a fictitious client in support of the oral argument in a simulated tribunal or court environment.</p>
Product:	Written Piece
Format:	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.
Criteria:	You will be assessed on your demonstrated ability to: critically analyse contemporary legal developments with reference to broader contexts; identify and articulate relevant legal and ethical issues; research, interpret and synthesise relevant legal principles; analyse legal and factual matters to reach a conclusion; communicate effectively in a written format.

Assessment Task 2b: Oral

Goal:	<p>The goal of this task is for you to use the workshop tasks and experience to demonstrate an ability to:</p> <ol style="list-style-type: none"> 1. Critically analyse contemporary legal principles within a practical context 2. Identify and articulate legal issues arising from a practical scenario in which professional misconduct or unprofessional conduct has occurred; 3. Research independently, interpret legal decisions and statutes and synthesise relevant legal principles to develop arguments for and against the practical scenario presented; 4. Analyse and critically evaluate legal, factual and policy issues to generate appropriate responses to complex problems with a practical focus; 5. Communicate professional arguments representing a fictitious client in a simulated tribunal or court environment.
Product:	Oral
Format:	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 in Assessment 2a.
Criteria:	You will be assessed on your demonstrated ability to: critically analyse contemporary legal developments with reference to broader contexts; identify and articulate relevant legal and ethical issues; research, interpret and synthesise relevant legal principles; analyse legal and factual matters to reach a conclusion; communicate effectively orally.

Assessment Task 3: Examination

Goal:	The examination will enable you to: <ul style="list-style-type: none"> • demonstrate knowledge of the rules and practices related to the professional obligations of legal practitioners; • apply advanced knowledge and skills to determine, in a given fact scenario, • exercise professional judgement to generate a response to a problem scenario • demonstrate analytic reasoning to interpret statutes and evaluate judicial conclusions • communicate effectively, appropriately and persuasively.
Product:	Examination
Format:	Final exam during the semester 2 exam period. 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:	<ul style="list-style-type: none"> • Knowledge and understanding of the topics • Analysis and argument • Structure and writing

7. Directed study hours

This course will be delivered via technology-enabled learning and teaching. All lectures will remain in this mode for Semester 2 2020. When government guidelines allow, students that elected on-campus study via the class selection process will be advised when on campus tutorials and practical sessions will resume.

The directed study hours listed here are a portion of the workload for this course. 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. Directed study hours may vary by location. Student workload is calculated at 12.5 learning hours per one unit.

Location:	Directed study hours for location:
Sippy Downs	3-hour workshop (weeks 1-6, 8-13)

**Week 7: School of Law and Criminology Week*

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

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

8.1 Prescribed text(s) or course reader

Ethics and Legal Professionalism in Australia, Second Edition Oxford, Paula Baron and Lillian Corbin.

8.2 Specific requirements

Nil

9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low.

It is your responsibility as a student 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. It is also your responsibility to familiarise yourself with the University's general health and safety principles by reviewing the [online Health Safety and Wellbeing training module 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 Blackboard, are electronically checked through SafeAssign. This software allows for text comparisons to be made between your submitted assessment item and all other work that SafeAssign has access to.

10.2 Assessment: Additional requirements

Eligibility for Supplementary Assessment

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

- a) The final mark is in the percentage range 47% to 49.4%
- b) The course is graded using the Standard Grading scale
- c) You have not failed an assessment task in the course due to academic misconduct

10.3 Assessment: Submission penalties

Late submission of assessment tasks will 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 and supply the required documentation to negotiate an outcome.

10.4 Study help

In the first instance, you should contact your tutor, then the Course Coordinator. Additional assistance is provided to all students through Academic Skills Advisers. To book an appointment or find a drop-in session go to [Student Hub](#).

Contact Student Central for further assistance: +61 7 5430 2890 or studentcentral@usc.edu.au

10.5 Wellbeing Services

Student Wellbeing Support Staff are available to assist on a wide range of personal, academic, social and psychological matters to foster positive mental health and wellbeing for your success. Student Wellbeing is comprised of professionally qualified staff in counselling, health and disability Services.

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, mental health issue, learning disorder, injury or illness, or you are a primary carer for someone with a disability, [AccessAbility Services](#) can provide assistance, advocacy and reasonable academic adjustments.

To book an appointment with either service go to [Student Hub](#), email studentwellbeing@usc.edu.au or accessability@usc.edu.au or call 07 5430 1226.

10.6 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
- Administration of Central Examinations
- Deferred Examinations
- Student Academic Misconduct
- Students with a Disability

Visit the USC website:

<http://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

10.7 General Enquiries

In person:

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

Tel: +61 7 5430 2890

Email: studentcentral@usc.edu.au