



## COURSE OUTLINE

# LAW402 Professional Conduct

**Course Coordinator:** Simone Pearce (spearse@usc.edu.au) **School:** School of Law and Society

2021 | Semester 2

USC 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 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. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
<b>BLENDED LEARNING</b>			
<b>Tutorial/Workshop 1</b> – On campus workshop - 3 hours in weeks 1-6 and 8-13.	3hrs	Week 1	12 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 [USC 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 in week 7. Those policies and practice guides will be peer reviewed and formative feedback provided by the lecturer, 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	2a	Written Piece	Individual	20%	1500 words	Week 9	Online Assignment Submission with plagiarism check
All	2b	Oral	Individual	10%	10 minutes	Week 9	In Class
All	3	Examination - Centrally Scheduled	Individual	50%	4 hours	Exam Period	Online Assignment Submission with plagiarism check

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

<b>GOAL:</b>	<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>													
<b>PRODUCT:</b>	Oral													
<b>FORMAT:</b>	This is an individual task of up to 15 minutes													
<b>CRITERIA:</b>	<table border="1"> <thead> <tr> <th>No.</th> <th></th> <th>Learning Outcome assessed</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Knowledge and understanding of the topic</td> <td>1</td> </tr> <tr> <td>2</td> <td>Analysis and argument</td> <td>1 2</td> </tr> <tr> <td>3</td> <td>Oral presentation</td> <td>3</td> </tr> </tbody> </table>	No.		Learning Outcome assessed	1	Knowledge and understanding of the topic	1	2	Analysis and argument	1 2	3	Oral presentation	3	
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#### All - Assessment Task 2a: Written submission to a Mock Tribunal / Court

<b>GOAL:</b>	<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> <p>Critically analyse contemporary legal principles within a practical context</p> <p>Identify and articulate legal issues arising from a practical scenario in which professional misconduct or unprofessional conduct has occurred;</p> <p>Research independently, interpret legal decisions and statutes and synthesise relevant legal principles to develop arguments for and against the practical scenario presented;</p> <p>Analyse and critically evaluate legal and factual issues to generate appropriate responses to complex problems with a practical focus;</p> <p>Communicate professional arguments representing a fictitious client in support of the oral argument in a simulated tribunal or court environment.</p>
<b>PRODUCT:</b>	Written Piece
<b>FORMAT:</b>	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:	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 a written format 3

**All - Assessment Task 2b:** Oral submission to a mock tribunal/ court

<b>GOAL:</b>	<p>The goal of this task is for you to use the workshop tasks and experience to demonstrate an ability to:</p> <p>Critically analyse contemporary legal principles within a practical context;</p> <p>Identify and articulate legal issues arising from a practical scenario in which professional misconduct or unprofessional conduct has occurred;</p> <p>Research independently, interpret legal decisions and statutes and synthesise relevant legal principles to develop arguments for and against the practical scenario presented;</p> <p>Analyse and critically evaluate legal, factual and policy issues to generate appropriate responses to complex problems with a practical focus;</p> <p>Communicate professional arguments representing a fictitious client in a simulated tribunal or court environment.</p>												
<b>PRODUCT:</b>	Oral												
<b>FORMAT:</b>	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.												
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### All - Assessment Task 3: Examination

<b>GOAL:</b>	The examination will enable you to:  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.												
<b>PRODUCT:</b>	Examination - Centrally Scheduled												
<b>FORMAT:</b>	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.												
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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. Directed study hours may vary by location. 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 Blackboard 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	PUBLISHER
Required	Paula Baron and Lillian Corbin	2020	Ethics and Legal Professionalism in Australia	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 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:

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. 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](mailto:studentcentral@usc.edu.au).

## 10.5. 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](mailto:studentwellbeing@usc.edu.au) or call 07 5430 1226.

## 10.6. 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](mailto:AccessAbility@usc.edu.au) or call 07 5430 2890.

## 10.7. 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>

## 10.8. 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](mailto:studentcentral@usc.edu.au)