

## 730-455 Legal Ethics in Context

<b>Credit Points:</b>	12.50
<b>Level:</b>	3 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2009. To be taught intensively over the summer semester
<b>Time Commitment:</b>	Contact Hours: To be taught Intensively Total Time Commitment: 144 hours
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Torts; Dispute Resolution; Obligations or in each case their equivalents.  Note: For Graduate LLB students (three-year program) Torts will be a corequisite. The Obligations prerequisite will be waived.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	Legal Ethics
<b>Core Participation Requirements:</b>	<p>&lt;p&gt;For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.&lt;/p&gt; &lt;p&gt;It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: &lt;a href="http://services.unimelb.edu.au/disability"&gt;http://services.unimelb.edu.au/disability&lt;/a&gt;&lt;/p&gt;</p>
<b>Subject Overview:</b>	<p>Legal Ethics in Context provides a practical and critical introduction to ethics decision-making for lawyers in the context of a particular practice context. In Summer 2008 the focus will be legal ethics in the context of criminal legal practice in the US and Australia. It will be taught by Professor Abbe Smith, a well known legal ethicist and criminal defender from Georgetown University, Washington DC. Dr Linda Haller will teach Trusts Accounts</p> <p>The subject will cover core material on legal ethics and professional conduct including (a) different moral approaches to legal ethics, focusing on the justifications for and criticisms of the traditional zealous advocacy approach; (b) the way that lawyers' ethics and conduct are regulated and (c) the principles of trust accounting. The core material will be contextualised by reference to criminal practice in both the US and Australia. Students will focus on the ethical and professional conduct issues raised by the criminal practice context, differences between the ethical context of criminal practice in the US and Australia, and the practical skills necessary for ethical practice in criminal law.</p> <p>Legal Ethics in Context serves as an alternative to the usual legal ethics subject, Legal Ethics 730-454.</p>
<b>Objectives:</b>	<p>On completion of this subject, students should be able to:</p> <ul style="list-style-type: none"> <li>• understand different moral approaches to legal ethics and be able to apply them to fact scenarios</li> <li>• understand and critically analyse the way that lawyers' ethics and conduct are regulated in Australia (particularly Victoria), including disciplinary process</li> <li>• know the professional conduct standards that regulate lawyers including those relating to conflicts of interest, confidentiality and duties owed to the client, to the court, practitioners and others, and be able to apply them to fact scenarios</li> <li>• be able to identify conduct and ethical issues that arise in legal practice in particular situations, be able to identify the different ways in which they could be resolved, and the arguments for and against those different resolutions</li> <li>• be able to decide on, explain and justify the way in which they personally would resolve conduct and ethical issues in particular situations in a way that is appropriately respectful of other points of view</li> <li>• understand and be able to apply the principles relating to the holding of money on trust</li> </ul>

<b>Assessment:</b>	Research Essay 4 000 words 100% due 11 February In addition, students will be required to complete a 1.5 hour open-book Trust Accounting Examination. This will be marked on a pass/fail basis.
<b>Prescribed Texts:</b>	None
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject students should have developed in the following generic skills:</p> <ul style="list-style-type: none"> <li># evaluation and synthesis of competing theories, rationales and ideas to resolve practical problems</li> <li># openness to new ideas and critiques of received wisdom</li> <li># an ability and self-confidence to comprehend complex concepts, to express them lucidly, whether orally or in writing, and to confront unfamiliar problems</li> <li># capacity to engage in constructive professional and public discourse, to accept professional, social and civic responsibilities and to speak out against prejudice, injustice and the abuse of power</li> </ul>
<b>Notes:</b>	Students who have completed 730-112, 730-410, 730-383 or 730-454 are not eligible to enrol in this subject.