

## LAWS30009 Legal Ethics

<b>Credit Points:</b>	12.50
<b>Level:</b>	3 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2012. Seminars.
<b>Time Commitment:</b>	Contact Hours: Two 2-hour seminars per week and occasional common lectures. 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: Graduate LLB students (three-year program) will be permitted to enrol in Legal Ethics at the same time as Torts and Dispute Resolution, and the Obligations prerequisite will be waived.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	730-112 Dispute Resolution and Legal Ethics; 730-410 Dispute Resolution and Legal Ethics; 730-383 Professional Conduct; 730-383 Legal Ethics and Professional Conduct; 730-455 Legal Ethics in Context. Students who have successfully completed any of these subjects will not be allowed to study this subject.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	Legal Ethics is a practical and critical introduction to ethical decision-making for lawyers. The subject has two main components. Firstly, it introduces different moral approaches to legal ethics, focusing on the justifications for and criticisms of the traditional adversarial advocate approach and alternatives to it. Students will be expected to be able to apply different moral approaches to fact scenarios and to be able to articulate and explain which approach/es they find most convincing for each scenario and why. Secondly, the course examines the way that lawyers' ethics and conduct are regulated including the co-regulatory disciplinary process, the professional conduct standards that regulate lawyers including those relating to conflicts of interest, confidentiality and duties owed to the court and other practitioners, and the general law of lawyering, including principles relating to the holding of money on trust, obligations in equity, contract and tort as well as procedural obligations in litigation. Students will be expected to be able to identify and resolve ethical issues that arise in legal practice using the professional conduct rules and law of lawyering. Students will also be expected to be able to critically assess the way lawyers' ethics are regulated by these rules against different moral approaches to legal ethics.
<b>Objectives:</b>	On completion of this subject, students should be able to: <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> </ul>

	<ul style="list-style-type: none"> <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>	All students are required to complete a workbook containing answers to exercises and questions discussed in class by the tenth week of semester (hurdle requirement); A 5,000 word reflective essay (100%) due at the end of semester.
<b>Prescribed Texts:</b>	Ysaiah Ross, Ethics in Law: Lawyers' Responsibility and Accountability in Australia, 5th edition 2010, Lexis Nexis Butterworths. Printed materials will be available from the Melbourne Law School.
<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 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>