Law

LAW 458 : Legal Ethics (10 POINTS)

2021 Semester One

Course Prescription
A study of legal ethics and professional responsibility including: an introduction to ethical analysis which examines various theories of ethics; the applicability of ethical analysis to legal practice; the concept of a profession and the ethical and professional duties of practitioners (which will include, amongst other topics, conflicts of interest, confidentiality, duties to the court, duties of loyalty and fidelity); the wider responsibilities of lawyers in the community.

Course Overview
This is a course on legal ethics and professional responsibility. Although an elective, those seeking to be admitted as a barrister and solicitor of the High Court of New Zealand are required to take this course.

The New Zealand Council of Legal Education requires those seeking admission to the bar to have passed an approved legal ethics course covering the following matters:

1. An introduction to ethical analysis including an examination of various theories of ethics.
2. The applicability of ethical analysis to legal practice.
3. The principles of ethical conduct and the role and responsibilities of lawyers.
4. The wider responsibilities of lawyers in the community.

This course will cover: the structure of the legal profession and the role of the New Zealand Law Society, professionalism and the regulation of legal practice, theories of legal ethics, the role of lawyer, sources of lawyers’ obligations, competence and client care, admission to the bar, complaints and discipline, culture change in the legal profession, inclusion and diversity, (un)conscious bias, wellbeing, self-leadership, the wider responsibilities of lawyers in the community, and an overview of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (the code of professional ethics for lawyers) and associated areas of law.

Course Requirements
No pre-requisites or restrictions

Capabilities Developed in this Course
Capability 1: Disciplinary Knowledge and Practice
Capability 2: Critical Thinking
Capability 3: Solution Seeking
Capability 4: Communication and Engagement
Capability 5: Independence and Integrity
Capability 6: Social and Environmental Responsibilities

Graduate Profile: Bachelor of Laws

Learning Outcomes
By the end of this course, students will be able to:

1. Explain and critically analyse the lawyer’s role and theories of ethics   (Capability 2.2, 3.1, 3.3, 4.3, 5.1, 5.2 and 6.2)
2. Explain the structure of the legal profession, underlying theories of professionalism, the regulatory framework for lawyers in New Zealand, including the complaints and discipline system, and requirements for admission to the bar. (Capability 1.1, 1.2, 2.1, 2.2, 2.3, 3.1, 3.2 and 3.3)
3. Recognise, articulate and explain the sources of lawyers’ obligations and how they relate to the Conduct and Client Care Rules 2008. (Capability 1.1, 1.2, 1.3 and 2.1)
4. Articulate and apply the Conduct and Client Care Rules 2008 in various factual situations. (Capability 1.1, 1.2, 1.3, 2.1, 3.1, 3.2, 4.1 and 5.1)
5. Articulate the wider responsibilities of lawyers in the community and key issues facing the legal profession in Aotearoa (including critically analysing approaches to culture change and next steps, self-leadership, bias, inclusion and diversity, and individual and collective wellbeing in the legal profession). (Capability 2.2, 3.1, 3.2, 3.3, 4.1, 6.1, 6.2 and 6.3)

Assessments

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<th>Percentage</th>
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<td>Individual Coursework</td>
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<td>Final Exam</td>
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<td>Individual Examination</td>
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<table>
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<th>Assessment Type</th>
<th>Learning Outcome Addressed</th>
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<td>✓</td>
</tr>
<tr>
<td>Final Exam</td>
<td>✓</td>
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In the first three weeks of the course there will also be a quiz for you to complete to receive feedback on your progress in the course so far. This quiz will be worth 0% of the final grade.
Workload Expectations

This is a standard 10-point course. There will be around 24 hours of lectures in this course. As a general guide, you should expect a workload of three hours outside of the classroom for each hour spent in class. The guideline for the total workload for this course is 100 hours.

Delivery Mode

Campus Experience

Attendance is expected at scheduled activities to complete the course. Lectures will be available as recordings. The course will include live online events including guest lectures and panel discussions. Attendance on campus is required for the test and exam. The activities for the course are scheduled as a standard weekly timetable.

Learning Resources

A key resource is the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (the Rules), also known as ‘The Red Book’.

Canvas will include links to a selection of cases and articles and key provisions from the Lawyers and Conveyancers Act 2006 and the Rules.

Texts

The leading New Zealand texts/commentaries are:

- Richard Scragg The Ethical Lawyer: Legal Ethics and Professional Responsibility (Thomson Reuters, Wellington, 2018)

Australian texts:

- Gino Dal Pont Lawyers’ Professional Responsibility (6th ed, Thomson Reuters, Australia, 2016)
- Christine Parker & Adrian Evans Inside Lawyers’ Ethics (3rd ed, Cambridge University Press, 2018)

Other

The website of the New Zealand Law Society (https://www.lawsociety.org.nz) contains valuable information on a number of topics including regulatory requirements, complaints and discipline information, practice resources (e.g., on professional development, the business of law, wellbeing, culture change) and Law Society services (law reform, mediation, Women in Law, Young Lawyers). It is worth spending some time exploring the website.

LawTalk, the NZLS magazine, available online at: https://www.lawsociety.org.nz/lawtalk contains interesting
articles about current professional issues and summaries of disciplinary decisions.

Students and members of the public can sign up to NZLS’s weekly email publication, NZLS Weekly, which contains similarly useful but more regular information here: https://www.lawsociety.org.nz/news-and-communications/email-updates

On culture change in the legal profession, see here:

  Aotearoa Legal Workers’ Union: https://alwu.org.nz/
  Culture Change Report: https://www.lawfoundation.org.nz/?p=11012

Student Feedback

At the end of every semester students will be invited to give feedback on the course and teaching through a tool called SET or Qualtrics. The lecturers and course co-ordinators will consider all feedback and respond with summaries and actions.

Your feedback helps teachers to improve the course and its delivery for future students.

Class Representatives in each class can take feedback to the department and faculty staff-student consultative committees.

Other Information

Teaching staff and contact details
Course Coordinator and Lecturer: Bronwyn Davies (bronwyn.davies@auckland.ac.nz)

Digital Resources

Course materials are made available in a learning and collaboration tool called Canvas which also includes reading lists and lecture recordings (where available).

Please remember that the recording of any class on a personal device requires the permission of the instructor.

Aspects of this course - including lectures and assessments - may be delivered online.

Academic Integrity

The University of Auckland will not tolerate cheating, or assisting others to cheat, and views cheating in coursework as a serious academic offence. The work that a student submits for grading must be the student's own work, reflecting their learning. Where work from other sources is used, it must be properly acknowledged and referenced. This requirement also applies to sources on the internet. A student's assessed work may be reviewed against online source material using computerised detection mechanisms.
Inclusive Learning

All students are asked to discuss any impairment related requirements privately, face to face and/or in written form with the course director, lecturer or tutor.

Student Disability Services also provides support for students with a wide range of impairments, both visible and invisible, to succeed and excel at the University. For more information and contact details, please visit the Student Disability Services’ website http://disability.auckland.ac.nz

Special Circumstances

If your ability to complete assessed coursework is affected by illness or other personal circumstances outside of your control, contact a Student Academic and Support Adviser as soon as possible before the assessment is due.

If your personal circumstances significantly affect your performance, or preparation, for an exam or eligible written test, refer to the University’s aegrotat or compassionate consideration page https://www.auckland.ac.nz/en/students/academic-information/exams-and-final-results/during-exams/aegrotat-and-compassionate-consideration.html.

This should be done as soon as possible and no later than seven days after the affected test or exam date.

Learning Continuity

In the event of an unexpected disruption we undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. You will be kept fully informed by your course co-ordinator, and if disruption occurs you should refer to the University Website for information about how to proceed.

Student Charter and Responsibilities

The Student Charter assumes and acknowledges that students are active participants in the learning process and that they have responsibilities to the institution and the international community of scholars. The University expects that students will act at all times in a way that demonstrates respect for the rights of other students and staff so that the learning environment is both safe and productive. For further information visit Student Charter https://www.auckland.ac.nz/en/students/forms-policies-and-guidelines/student-policies-and-guidelines/student-charter.html.

Disclaimer

Elements of this outline may be subject to change. The latest information about the course will be available for enrolled students in Canvas.
In this course you may be asked to submit your coursework assessments digitally. The University reserves the right to conduct scheduled tests and examinations for this course online or through the use of computers or other electronic devices. Where tests or examinations are conducted online remote invigilation arrangements may be used. The final decision on the completion mode for a test or examination, and remote invigilation arrangements where applicable, will be advised to students at least 10 days prior to the scheduled date of the assessment, or in the case of an examination when the examination timetable is published.