



The Teaching-Research Nexus

A guide for academics and policy-makers
in higher education

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Examples from Australian universities

Incorporating Professional Ethics into Core Courses at all Levels of a Law Degree

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Broad discipline area:

- Law

Year level:

- All year levels, from first to fifth year

TRN strategy:

- Research informed curriculum design

Teaching and learning context:

- Curriculum design
- Large group lectures
- Small group classes/tutorials
- Real world learning

Brief description of the initiative:

This academic used a teaching grant from his University to revitalise ethics teaching and learning in the law curriculum. This resulted in curriculum-wide incremental approach to ethics learning throughout the five-year program (see table below). Ethics is now a 'vertical subject' embedded in nine core courses in the curriculum from first to final year (for more details of this 'vertical subject', see Robertson, 2007). Learning about different aspect of legal ethics in multiple existing courses recognises the need for law students to have a broader, richer appreciation of the ethical dilemmas they may face as professional practitioners than that afforded by a stand-alone course focused on understanding and following the law of professional responsibility.

This initiative arose, in part, from judges and senior practitioners indicating that law schools needed to incorporate more legal ethics into their courses. While developing this approach to ethics teaching and learning, this academic consulted with legal practitioners to gain a 'real world' perspective, as well as the university's staff and students, and ethics teachers at other Australian law schools. He also drew on his own background as a legal practitioner and his experience as a member of the Queensland

Law Society’s Ethics Committee. The resulting ‘vertical subject’ integrates the lecturer’s own research/scholarship, community engagement and teaching. For example, this review of ethics teaching and learning has provided the subject matter for several conference presentations. These linkages are discussed more fully in the Law_3 example.

**‘Map’ of
Curriculum-wide Course in Legal Ethics Learning**

| | | Purposes & limits of lawyer’s role | Justifications for lawyers’ work | Law on lawyering | Moral autonomy in legal practice? | Ethical decision-making in practice | Examples of possible aspects of focus in course concerned |
|--------|--------------------|------------------------------------|----------------------------------|------------------|-----------------------------------|-------------------------------------|--|
| Year 1 | Foundation course | 2 | 2 | | 1 | 1 | Lawyers’ representation work; ethical decisions about whom to represent; lawyer client conflict issues |
| | Contract | 2 | 2 | 1 | 1 | 1 | Intro to agency contract; lawyers’ ethical dilemmas in contract disputes |
| | Intro Legal Theory | 3 | 3 | | 1 | | Theories of lawyers’ role in liberal democracy with rule of law and adversary system |
| | Equity | 2 | | 3 | | 1 | Lawyers’ fiduciary duties of confidence and avoidance of conflict of interest |
| | Civil Procedure | 2 | | 3 | 1 | 2 | Court vs client duties; avoiding spurious litigation; ethics in discovery of documents |
| | Criminal Procedure | 2 | 2 | 2 | 2 | 2 | Defence and prosecution lawyers’ decision-making in trial proceedings |
| | Evidence | 3 | 2 | 3 | 2 | 2 | Client legal privilege; integrity of evidence; use and misuse of examination and cross exam |
| | Jurisprudence | 3 | 3 | | 2 | 1 | Theories of prudence and character; concepts of judgment in lawyers’ work |
| Year 5 | Legal Practice | 3 | 2 | 3 | 2 | 2 | Entire course on lawyers’ legal duties and moral responsibilities |
| | Legal Clinic | 2 | 2 | 3 | 3 | 3 | Direct contact with clients and client files, working under supervision |

1 = modest ethics learning opportunities; 2 = good ethics learning opportunities; 3 = excellent ethics learning opportunities

Reference:

Robertson, M. (2007). *Providing ethics learning opportunities throughout the legal curriculum: The clinic’s key role*. Paper presented at the 9th Australian Clinical Legal Education Conference, Marcoola, Queensland, September 26-28.

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