

## **Professionalism in Practice**

### **Teaching team**

This is a joint expression of interest from Pamela Taylor-Barnett and Anneka Ferguson, Senior Lecturers and Educational Focussed Academics within the School of Law, Society and Criminology. We teach in the Practical Legal Training (PLT) program called the Graduate Diploma in Legal Professional Practice (GDLPP) at the University of New South Wales in the Faculty of Law and Justice.

Our research, practice and teaching interests are (combined) in legal ethics, values, wellbeing, social justice, transactional law practice, trust accounting for legal practice, and administrative law practice. Our focus is on delivering practical skills-based learning, igniting creative thinking, student interactive engagement, appropriate programmatic scaffolding for reflective learning, and online or blended learning.

Together we bring combined teaching experience of more than 28 years at both UNSW and ANU. We also have a successful history of developing innovative, interactive and challenging workshops together in a manner that facilitates independent and collaborative and practical thinking on a deeper level than the traditional lecture or even seminar format.

Noting that this program is set up to fund a single academic we are very willing to cover the cost of the second person attending on the basis that by providing this course in a combined fashion it enables:

- More individualised experiential opportunities through break out sessions, and/or
- A smaller staff to student ratio in order to provide the opportunities for all students to feel safe and supported to participate and/or
- Uniandes to expand the course offering to more students in the law degree.

### **Course Aims**

This course aims to encourage critical thinking about the role of ethics, values and justice in legal practice and to empower and develop students skills to approach their legal practice in an ethical manner and values safe manner that meets the need of justice in their communities.

This aim is based on the following propositions:

- It is imperative that we equip students with the skills and knowledge needed to navigate the complex social structures of the workplace and legal profession.
- In a healthy legal profession, we should normalise understanding individual values and professional styles and having the appropriate toolkit to identify and address ethical and values disagreements and develop the skills and confidence to constructively respond.

- Students should be provided with the space, scenarios and skills to critically analyse the assumptions they make about the contexts in which they may be practicing law upon graduation, and provide them with a tested and evaluated practical toolkit to both test these assumptions and to also feel empowered to respond should their assumptions prove correct.

### **Intended Learning Outcomes**

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

- 1) Persuasively articulate and critically defend, with examples, their:
  - a) Concept of Justice and how it will and won't work in legal practice
  - b) Personal Values and how these values will align with their role in the practice of law
  - c) Concept of success and professional identity in the legal profession.
- 2) Identify ethical and values-based conflicts in practice and demonstrate a critically considered and analysed, yet practical methodology for navigating these conflicts.
- 3) Demonstrate a framework for identifying and responding to client's needs and interests in a culturally appropriate and trauma informed manner through written and oral communications with 'clients'.
- 4) Develop (through reflection, analysis and experiential testing) and articulate a model for exercising professional judgement in practice.
- 5) Critically engage with Generative AI tools for legal practice.
- 6) Identify the situational, organisational and thinking errors that potentially lead to unethical actions in practice and demonstrate a practical methodology for promoting ethical action to be taken.

### **Pedagogy**

Given the deeply contextual and personal nature of the aims of this course, it is necessary that the workshops are taught through an experiential and interactive problem-solving methodology that embraces the experiences of all students in the classroom and creates opportunities for collaborative and comparative exploration of the legal profession and their potential role in it.

The course will involve approximately 30-hours of face-to-face interactive workshops. These workshops will examine 7 themes that scaffold the students to successfully complete the final three problem-solving and reflective capstone workshops. We will work with Uniandes to schedule the classes at appropriate times for the students and university and for the length of time that is required. The course is designed to be spread over a two-week period to allow time for students to complete tasks after each

workshop in order to think, explore and reflect. However, we would be open to making relevant changes to bring the course into a one-week intensive. Each theme (as outlined below) will be:

- Presented through a comparative law and legal practical context perspective
- Explored through completing interactive workshops made up of exercises that provide the foundation for the students to explore and critically analyse the themes in order to both develop both their own individual and collaborative responses.

## **Assessment**

Assessment in this course is planned on a Competency basis, including, for example:

- A worksheet and participation in a workshop about GVV;
- A file note and letter of advice following participation in a simulated interview;
- Preparing, completing and reflecting on a negotiation;
- A short presentation for the reflective capstone.

We will work with Uniandes to develop appropriate assessment weighting and scale. We will develop rubrics and share these with Uniandes ahead of the course.

## **Workshop themes**

**1. Concepts of justice** - including those found in international law, global perspectives, grass-roots justice, and the rule of law.

**2. Role identity for lawyers** - including a comparative examination of professional ethical frameworks (standards and codes) and how they exist within the system of law in which they operate, as well as how these frameworks align, complement or challenge individual values and concepts of success, professional identity and professionalism.

**3. Ethical practice in context**- including an exploration of the behavioural ethics – organisational and situational factors and thinking errors - that influence whether ethical practice is or is not taken in ethical practice.

**4. Client as context** – including an exploration of the various skills and knowledge required to practice with cultural humility and in a trauma informed manner, as well as the opportunity to apply the new knowledge to a simulated client scenario.

**5. Exploring professional judgment** - including exploring frameworks within which critical analysis occurs in legal practice and how the judgment learned in academia is to be adapted to a practice concept.

**6. Supervising GenAI when you are being supervised yourself** – including providing the opportunity to explore the use of Generative AI in practical tasks such as drafting and research, addressing and evaluating the anxieties and opportunities and ethical

considerations (both professionally and globally) involved in the use of Generative AI in practice. We aim to encourage students to understand how to use AI in supervised legal practice settings, before they're tasked with supervising it themselves.

**7. *Giving Voice to Values (GVV) introduction***– including an exploration of the GVV pillars, practice and reflection and GVV enhanced, as well as testing and challenging the framework. We will scaffold from the behavioural ethics aspects taught in earlier sessions to give students the tools and vocabulary to identify and name the situational and psychological aspects impacting all stakeholders in an ethically conflicted situation – including themselves.

**8. *Giving Voice to Values (GVV) capstone*** – We will provide students with the opportunity to develop a hypothetical dilemma and then help students to think through the many aspects of that dilemma, towards resolving it.

**9. *Problem solving capstone*** – Participants will be complete a series of linked tasks based on the concepts explored in the previous workshops, through a client interviewing and problem-solving exercise which encourages them to use their own professional judgement to advise their simulated clients, take ethical action and appropriately negotiate with the colleagues to achieve the best outcomes for all concerned.

**10. *Reflective practice capstone*** – Participants will be challenged to draw together and articulate their concepts of justice and values in terms of their professional identity and definition of success in a creative and meaningful fashion.