

Professional Ethics Assignment Brief

General Guidance

Where a question is in several parts and a words total is indicated, that is the total for the whole question, not for each part of it. Where a word limit is per part of a question, this will be clearly stated. You will not incur penalty for exceeding the word limit by up to 10% but excessively lengthy and prolix scripts will be penalised.

Whilst it is acceptable to use the internet for legal research, this means proper legal research on sites such as Westlaw, Lexis, Bailii, legislation.gov.uk etc; citing Google or Wikipedia and such as authority for any legal proposition is unacceptable.

Paper-based resources will include the materials given to you for this module but you are expected to read more widely and to locate relevant materials beyond the course materials.

Module Guidance

Module Title: Professional Ethics

Module Code: Module 2(f)

Assignment Number: 1

Assignment Type: Memo

Date Set: 29 June 2020

Date Due: 26 July 2020

Module Learning Outcomes

1. Explain the relevant issues and rules governing the relationship between a lawyer and a client.

2. Explain the requirements imposed on a Costs Lawyer by the Code of Conduct and other regulatory documents.

3. Draft client care communications compliant with professional requirements

Prepare a memo of 1,500 words. You must ensure you meet ALL requirements to achieve a pass on the assessment.

Please Note: All submissions must be made no later than midnight on 26 July 2020. Work MUST be submitted via the online learning environment.

Brief

You are a Costs Lawyer working in-house for an SRA regulated high street firm, Carne and Carne Solicitors, Nampara, NA2 1NA. You have been approached by the compliance officer for legal practice, Jonathan Ryan, to research the Legal Services Act 2007. Specifically, you have been asked to explore whether Part 3 of the Legal Services Act 2007 has allowed other authorised persons, for instance non-solicitors and barristers, to undertake 'reserved legal activity'.

Produce a memo to Jonathan Ryan setting out whether, as a result of the legislation, more people can now undertake reserved legal activities.

Requirements

You **MUST** complete all of the following requirements:

Requirement 1: Presentation

- Produce a memo of 1,500 words. The word count **must** be included on your submission.
- Your memo **must** be headed "Memorandum" and include completed fields of "To:", "From:", "Date:" and "Re:" (these fields do not form part of the prescribed word count).
- Your memo **must** have at least 2 sub-headings (excluded from the prescribed word count) and you **must** include a conclusion.
- Your memo should include references to specific sections of the Legal Service Act 2007, delegated legislation and other authorities.
- Your memo must include citations and a bibliography (both excluded from the prescribed word count).
- You **must** include your student number on your submission.
- You **must not** include your name anywhere on your submission. Where a name is required this may be included as "A. Trainee" or your student number.
- Failure to comply with the general presentation requirements will impact upon the presentation mark.

Requirement 2: Background and purpose of the Legal Services Act 2007

Your memo **must** deal with the following:

- Your memo **must** identify key aspects of the reforms and describe how the changes were implemented through primary and secondary legislation.
- Your memo **must** identify how the changes to the law have impacted upon the legal profession.
- Explain the purpose of the Legal Services Act 2007.
- Explain when the Act received royal assent.
- Explain who the approved regulators are.
- Explain the difference between a legal activity and a reserved legal activity.

Requirement 3: Evaluation and Conclusions

Your memo **must** deal with the following:

- Consider the decision in *Allen v Brethertons LLP* [2019] EWHC B3 (Costs) and explain the relevance.
- Evaluate the impact of the reforms.
- You **must** include a conclusion outlining to the senior partner the changes to the legal services market.

Your work will be marked against the following criteria:

Depth of Knowledge (30%): How well do you show that you know the subject and in what depth and detail.

Application of Theory (30%): How well you can apply the content you have learnt during the course to the brief given.

Critical Analysis (30%): How well you show you have weighed up options, why you have come to the conclusions you have.

Presentation (10%): Your grammar, spelling, punctuation, referencing and following of academic writing criteria at undergraduate level (level 6) and professional level to reflect the standard that is expected by the court, government agencies and your client / office.

Full Marking Scheme: Professional Ethics Assignment 2020

	Requirement 2: Depth Of Knowledge (30 marks or 30% of overall grade)	Requirement 1: Application Of Theory (30 marks or 30% of overall grade)	Requirement 2: Critical Analysis (30 marks or 30% of overall grade)	Requirement 3: Presentation (10 marks or 10% of overall grade)
Fail	<p>Very superficial knowledge of subject matter shown.</p> <p>Fails to adequately demonstrate knowledge of the learning outcomes.</p>	<p>Very little evidence of application of theory to specific requirements of the assignment e.g. unable to explain how the reforms were implemented or how they relate to the role of a lawyer.</p>	<p>Little real analysis of any value</p>	<p>Some sense but difficult to follow</p>
Borderline Fail 12+ Marks	<p>Largely superficial but with some areas of depth.</p> <p>Attempts to adequately demonstrate knowledge of the reforms and their impact on the legal profession.</p>	<p>Small amount of evidence of application.</p> <p>Attempts to demonstrate an ability to explain how the legislation has impacted on the profession.</p>	<p>Some analysis with reasonable depth of understanding</p> <p>Tries to identify potential areas of change for the profession.</p>	<p>Poor use of grammar and English leads to poor coherence.</p> <p>There will be spelling and grammatical mistakes and/or inappropriate use of verbs.</p> <p>Some attempt at structure of an internal memo.</p>
Pass 15+ Marks	<p>Good knowledge demonstrated of most of the main areas. Adequately identifies the reforms that have affected the legal services market.</p> <p>Demonstrates reasonable knowledge of the purpose of the <u>Legal Services Act 2007</u>.</p>	<p>Several good examples of evidence of application provided.</p> <p>Demonstrates an ability to explain how the legislation was implemented and how the changes impacted upon the profession.</p>	<p>Some solid and well-founded analysis. e.g. grasped some elements of the deficiency in the current law.</p> <p>Able to identify potential future changes to the profession resulting from the reforms.</p>	<p>Good grammar and structure.</p> <p>Some good paragraphs and sentence structure.</p> <p>There will be spelling and grammatical mistakes without detracting from overall meaning.</p>

	<p>Adequately demonstrates knowledge of the relevant primary and secondary legislation.</p> <p>Able to show an understanding of how the reforms were implemented with reference to delegated legislation.</p> <p>Demonstrates a reasonable understanding of approved regulators.</p> <p>Adequately demonstrates knowledge of the implications for the work undertaken by lawyers.</p>	<p>Demonstrate knowledge of how the rules of the regulators may impact on the role of lawyers.</p> <p>Demonstrates an ability to show how the relevant primary and secondary legislation applies (e.g gives examples of how the rules and regulations operate).</p>	<p>Attempts to discuss the risks associated with the changes in primary and secondary legislation to both the individual and the profession.</p>	<p>Must have at least 2 subheadings and a conclusion.</p>
<p>Merit 18+ Marks</p>	<p>Good analysis of knowledge gained to date viewed from some different perspectives.</p> <p>Demonstrates very good knowledge of the impact of changes in law on the role of lawyers.</p> <p>May also include comparisons between work undertaken by lawyers before and after the reforms.</p> <p>Cited conflicting sources.</p>	<p>Range of opinions /authority appropriately included and applied well.</p> <p>Evidence of reflective practice and the longer term impact of the changes the reforms have made to the profession and the individuals role in the profession.</p>	<p>+ Synthesis of ideas and either learning or critical evaluation e.g. may make observations relating to recent reports and further changes to the regulation of the legal services market.</p> <p>Able to identify potential areas of substantial change for the profession and analyse risks, with reference to relevant sources.</p>	<p>Good grammar and memo writing skills.</p> <p>Good use of paragraphs, good sentence structure, grammar and spelling, but some mistakes without detracting from overall understanding.</p> <p>Advice is provided within the appropriate memo format and there is good use of language. Good writing style.</p>

<p>Distinction 21+ Marks</p>	<p>+ Awareness of areas of deep knowledge and weaker areas that require improvement are clearly identified.</p> <p>This may be demonstrated by the observation that certain aspects of the reforms are still unsettled and are developing. May also take the form of commentary on the sources included in the submission.</p>	<p>Good range of authority considered with some evaluation/ justification for the intentions behind the reforms, their impact and the future of the profession.</p>	<p>+ Relevant reflections showing synthesis, learning AND critical evaluation.</p> <p>Areas of reform identified, with clear analysis of the changes to the role of a costs lawyer and links to specific legislative changes.</p>	<p>Coherent and fluent advice throughout, within the memo format, but may have a few very minor grammatical or spelling mistakes which do not detract from the overall flow of the memo.</p> <p>Excellent structure with only minor areas of weakness.</p>
<p>Distinction (Higher) 24+ Marks</p>	<p>+Sources cited are considered. The source and origins of knowledge is critically evaluated. Able to synthesise arguments from a range of considered sources and critique these accordingly.</p>	<p>Excellent range of sources and authority considered with full evaluation / justification for implementation of the reforms and the future of the profession.</p>	<p>+ Inspired development of highly original idea(s) and / or plans for reform and the future of the profession.</p>	<p>Coherent throughout and excellent advisory skills.</p> <p>No spelling or grammatical mistakes.</p> <p>Excellent use of paragraphs and sentence structure. Excellent structure to the memo.</p> <p>For a mark of 9 or 10 there must be no spelling or grammatical errors.</p>

