1. **Title of the module**

LAWS6170 (LW617) Legal Ethics: Exploring the Ethics of Lawyers and Lawyering

1. **Division or partner institution which will be responsible for management of the module**

Division for the Study of Law, Society and Social Justice (Kent Law School)

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

15 credits (7.5 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn term (term 1) or Spring term (term 2)

1. **Prerequisite and co-requisite modules**

A Critical Introduction to Law [LAWS3130 (LW313) /LAWS3230 (LW323)] and Public Law 1 [LAWS5880 (LW588) / LAWS6140 (LW614)]

1. **The courses of study to which the module contributes**

All Law courses.

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate a detailed understanding of the way in which any notion of ‘legal ethics’ must be predicated upon moral (philosophical) reasoning about the practice of law.
   2. Analyse, critically evaluate and engage with philosophical arguments about lawyers’ moral responsibilities and moral role(s)
   3. Demonstrate an awareness of and ability to predict the ethical issues that will typically arise from various legal scenarios and outcomes.
   4. Analyse and critically evaluate alternative responses to ethical dilemmas and questions that arise in legal practice.
   5. Analyse and critically evaluate responses by lawyers to ethical dilemmas and questions using case studies. Develop skills of argumentation in supporting or attacking these different responses.
   6. Demonstrate a detailed understanding of the ways in which questions in legal ethics intersect law and legal practice, moral philosophy and professional/practical ethics.
   7. Engage in ‘moral reasoning’, i.e. to participate in thinking philosophically about the issues raised by legal ethics and demonstrate the skills of argument required to support a chosen position.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Analyse and evaluate complex material across several disciplines (law, moral philosophy, and professional ethics)
   2. Demonstrate written argumentation skills
   3. Demonstrate understanding, analysis and argumentation, using a variety of legal and non-legal sources.
3. **A synopsis of the curriculum**

This course will afford students the opportunity to explore the moral and ethical questions surrounding legal practice in both a theoretical and a practical way. Starting with some philosophical arguments about whether and how lawyers might have specifically moral responsibilities, they will then be equipped to test such arguments in the context of case studies from real legal practice. This course will provide an intellectually demanding introduction to the academic study of legal ethics, which will push students to hone their skills of argumentation, analysis and critique.

Block 1. Why Legal Ethics? The course will start with an exploration of the moral reasoning and arguments that justify the notion of ‘legal ethics’. This first block of seminars will introduce students to the theoretical questions which precede any acceptance of the practice of law as having a moral dimension.

Block 2. Case Studies and the Ethical Issues they raise. Starting with the case of the so-called ‘torture lawyers’ from the ‘war on terror’ of the American Bush administration, students will be asked to reflect on and discuss several case studies as starting points for discussion of issues in ‘legal ethics’ broadly conceived, including: responsibility for ‘doing wrong’, complicity, upholding human rights, conflicts of interest, integrity, the adversarial system as an excuse for moral neutrality or worse and confidentiality.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

Aristotle, *The Nicomachean Ethics*,(any edition)

Luban *D., Legal Ethics and Human Dignity*, David Luban, CUP, 2009

Markovits, D , *A Modern Legal Ethics: Adversary Advocacy in a Democratic Age*, PUP, 2010

*Utilitarianism*, Mill, J. S. (any edition)

Nicholson, D. and Webb, J *Professional Legal Ethics: Critical Interrogations*, OUP, 1999

O’Dair, R., *Legal Ethics: Text and Materials*, Butterworths, 2001

Kant, I., transl. H.J. Paton *Groundwork of the Metaphysics of Morals*, NY Harper and Row, 1964 (or any other good translation)

1. **Learning and teaching methods**

Total Study Hours: 150

Private Study Hours: 130

Total Contact Hours: 20

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by 100% coursework as follows:

**EITHER**

Coursework - essay plan (800 words) - 30%

Coursework - essay (2500 words) – 70%

**OR**

Coursework - Presentation plan (800 words) – 30%

Coursework - Presentation (15 minutes) – 70%

13.2 Reassessment methods

The module will be reassessed by a reassessment instrument of an essay for 100%. The reassessment will test all of learning outcomes as indicated in the mapping of the essay in section 14 below.

1. ***Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)***

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 9.1 | 9.2 | 9.3 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |
| Lectures/seminars | X | X |  |  |  | X | X | X |  | X |
| Private Study |  |  | X | X | X | X |  | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |
| Essay plan (20%) |  | X |  | X |  | X | X |  | X |  |
| Essay (70%) | X | X | X | X | X | X | X | X | X | X |
| Seminar participation (10%) |  | X | X | X | X | X | X | X |  | X |

1. **Inclusive module design**

The Division recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with Kent Law School’s agreed statement on lecture recording, the School will not routinely record teaching sessions that are heavily discussion based (i.e. combined lecture/seminars) which is the case in this module.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

This module refers to written literature with an international outlook.

**DIVISIONAL USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| EAP 2020-21 | Major | 2021-22 | 13, 14 |  |
|  |  |  |  |  |