**Block 1, Assessment 2, Part 3: Short Answer Questions**

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| **Student Name** |  |

**Instructions**

Answer the following **fourteen (14)** questions. The approximate word count of your response (*in italics*) has been provided as a guide to the level of detail required.

Enter your answer into the boxes below. The box will expand as you type.

1. It is important that the client understands their own agency for achieving the best outcomes.

a. Identify **three (3)** actions that are under the client’s control and which they could take. For example, they should engage in drug and alcohol rehabilitation. *(50-70 words)*

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b. List **two (2)** methods you could use to monitor the effectiveness of the involvement of other services and agencies in the client’s case. *(50-70 words)*

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c. List **three (3)** methods you could use to monitor the progress of the case to optimise client outcomes. *(30-50 words)*

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d. Outline the available options to the client for further action. *(60-80 words)*

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2. Name **three (3)** professional and/or ethical duties a legal practitioner should be aware of when representing a client. *(40-60 words)*

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3. Name **three (3)** types of conduct or behaviour that a workplace organisational code of conduct would not condone. *(40-60 words)*

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4. Explain each of the following terms. *(80-100 words each)*

*a. Duty of care*

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*b. Negligence*

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*c. Conflict of interest*

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*d. Confidentiality*

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5. Julie is a second year solicitor at XYX Legal. Julie is having a drink after work with her client and gives the client the wrong legal advice resulting in the client suffering a financial loss.

a. Does Julie owe a duty of care to her client? If so, why?

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b. What is the standard of care owed by a professional? Refer to provision of relevant legislation in your state/territory.

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6. Refer to question 5 above. Is XYZ Legal vicariously liable for the client’s losses?

a. If so, explain what vicarious liability is and how it applies in this case.

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b. What are some of the factors that need to be taken into account in determining this? *(40-60 words)*

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7. Describe **two (2)** examples of cultural protocols and processes you may apply when meeting with an Aboriginal and Torres Strait Islander client in their community. *(40-60 words each)*

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8. A solicitor is doing some work preparing a case for court. They have interviewed the client, spoken to witnesses, drafted and filed some documents at the Court Registry office, prepared a subpoena and appeared at a directions hearing.

Identify **two (2)** examples where a solicitor may be negligent in the performance of their work. Explain how this could lead to civil legal proceedings being brought against them for negligence. *(60-80 words)*

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9. Explain why confidentiality is an important ethical responsibility in the workplace. *(40-60 words)*

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10. Explain why privacy is an important ethical responsibility in the workplace. *(40-60 words)*

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11. Read the six sections under PART VIII of the *Privacy Act 1988* (Cth).

In your own words explain what ethical issues are addressed by this part of the Act. *(80-100 words)*

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12. You are conducting an interview with a client who you are representing in criminal proceedings for the first time.

Identify **three (3)** examples of questions a solicitor should ask regarding conflict of interest. *(10 -20 words per question. Use the words you would use if you were speaking face-to-face with a client.)*

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13. Name **four (4)** pieces of Commonwealth legislation that address issues of non-discrimination, equality and diversity in Australia.

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14. Explain how non-discrimination, equality and diversity principles help to create a productive and safe working environment. *(30-40 words)*

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