



# Legal ethics – breakout session F1

*Facilitator*

**MARK WOODS**

*Chair, Access to Justice Committee*

*Law Council of Australia*



# 1. “I am the greatest”

- Sui is a lawyer and has practised for three years since her admission to the profession.
- She has a Facebook page, twitter account, and website.
- She advertises herself as a “specialist in all types of law” who “wins far more cases than any other lawyer”
- She will conduct your case for cheaper fees than any other lawyer – bring her a quote and “she will beat it”.



## 2. “Just between you and me”

- Tran is a counsellor who specialises in men’s behavioural change, he meets Sui, a third year lawyer at a bar. They have a few drinks and eventually spend the night. Sui tells Tran she is a flight attendant.
- During the night, Tran tells Sui (among other things) of a client called Jon who has savagely beaten and raped his wife – but will never admit it to anyone else.
- The following week, Jon (who has seen Sui’s Facebook page), charged with aggravated rape, retains Sui – and instructs her he will plead “not guilty”.



### 3. “You’re on your own then”

- Sui estimates Jon’s case will take three days in Court. She tells him her fee, but says, if the case takes longer, he will have to pay more.
- Jon agrees, and pays her the fee for three days of hearing.
- The judge has intervened far more than expected, and the case has only half completed at the end of the third day. Sui tells Jon he will have to pay more. He says he has no more money.
- Sui tells him he will have to represent himself for the remainder of the trial – and she doesn’t attend Court after that. The judge is furious !

-and-













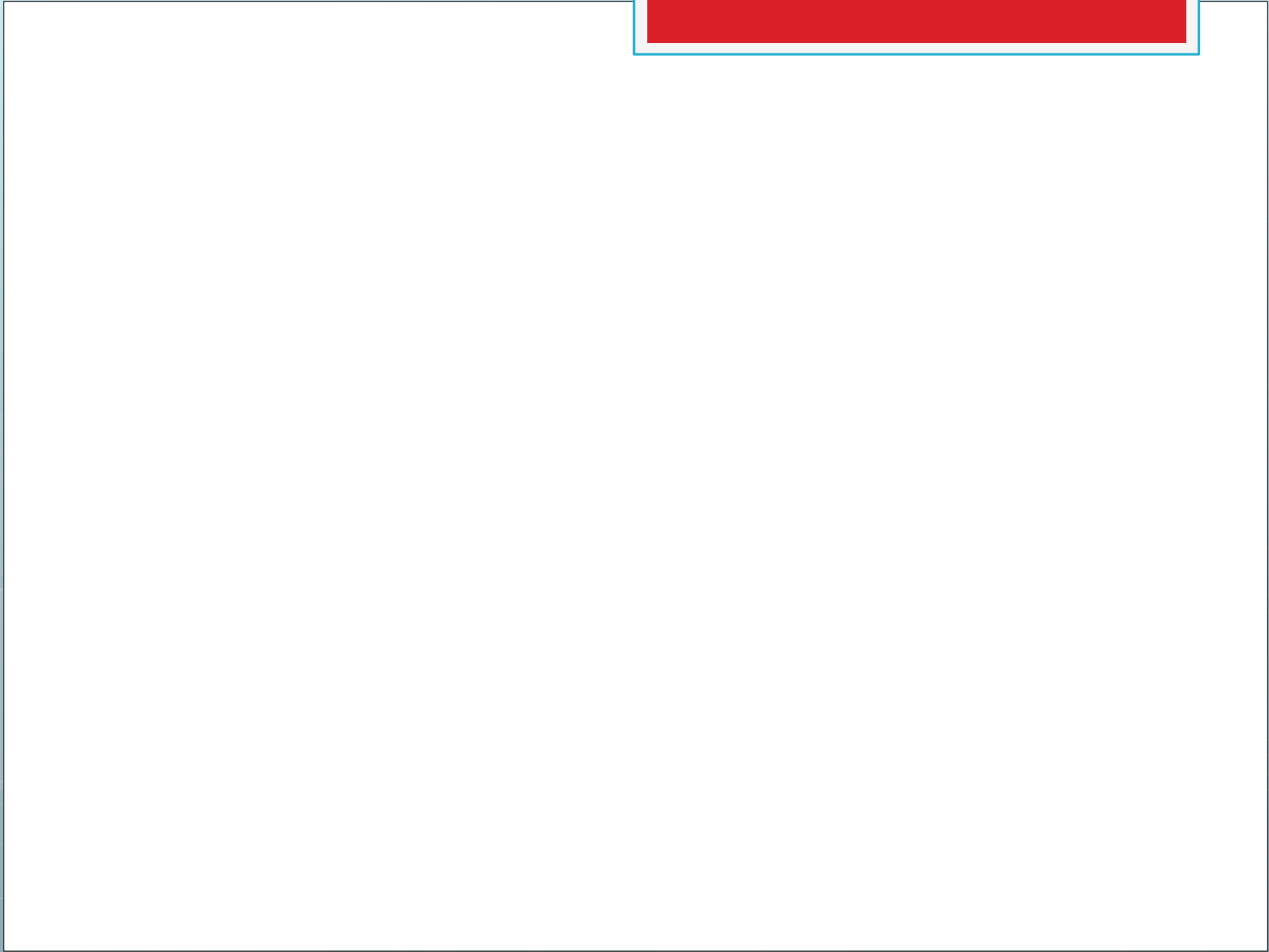


# **BINDING FINANCIAL AGREEMENT**











































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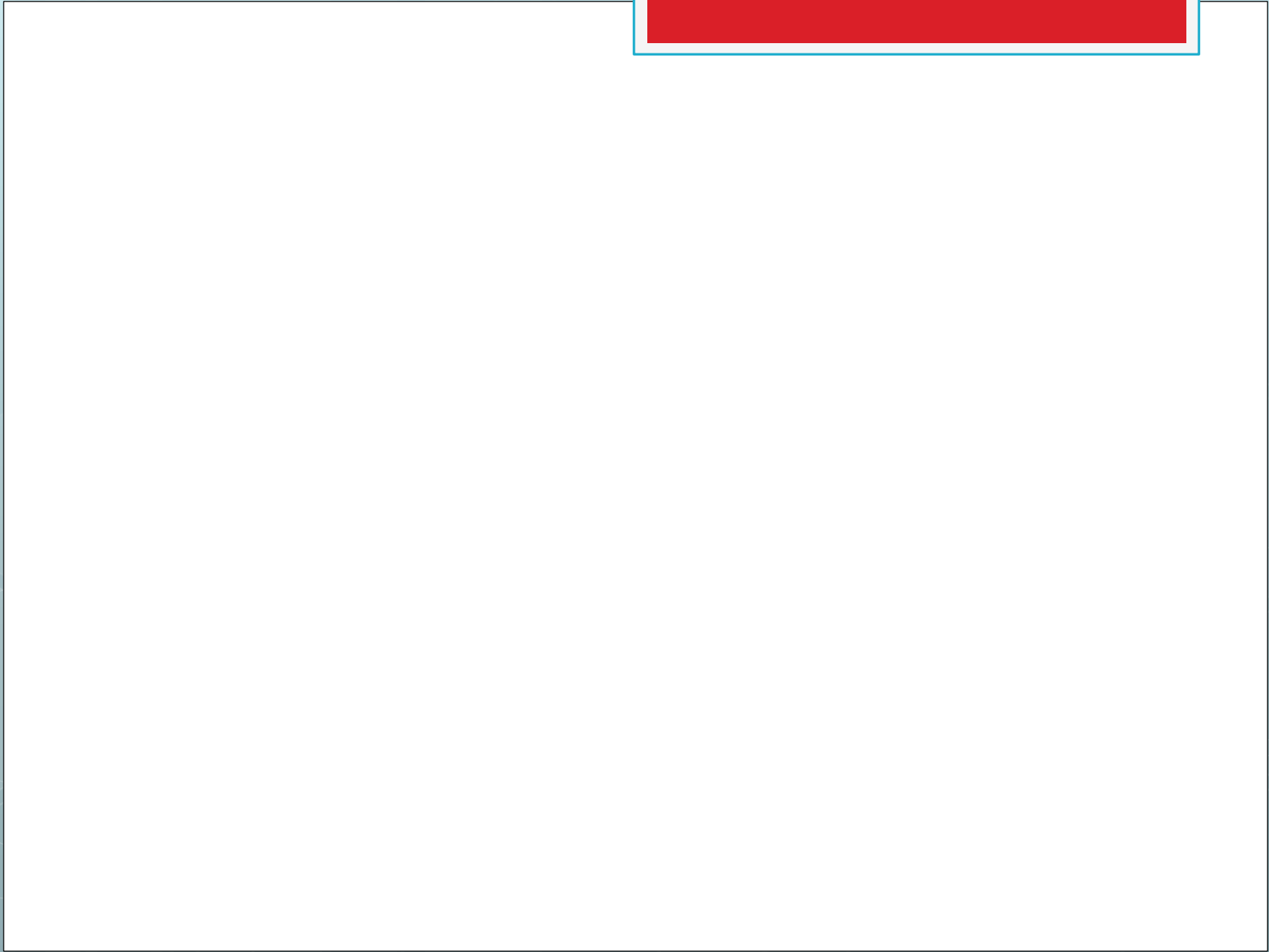
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BOSWELL of 49-53 Hazelwood

Road Traralgon in the said State  
Gentlewoman (“the wife”) of the  
other part.





Whereas:-






This is an agreement made  
pursuant to section 90C of the  
*Family Law Act 1975.*



December 1995 (“the  
agreement”) which purported to  
deal with some matters for which  
provision is made hereinafter..








The Husband was born on the  
20<sup>th</sup> November 1927 and is aged  
87 years.





The wife was born on the 15<sup>th</sup>  
April 1935 and is aged 79 years.



cohabitation and were lawfully  
married at Officer in the State of  
Victoria on the 2<sup>nd</sup> December  
1995.



down to the date hereof lived  
separately and apart by reason of  
the husband's health and the  
wife's inability to care for him.





There are no children of the marriage although each party has adult children from previous marriages.


























making of this agreement (“the date”) the husband (by his attorney) shall pay to the wife (“the payment”) the sum of \$115,000 (“the sum”).



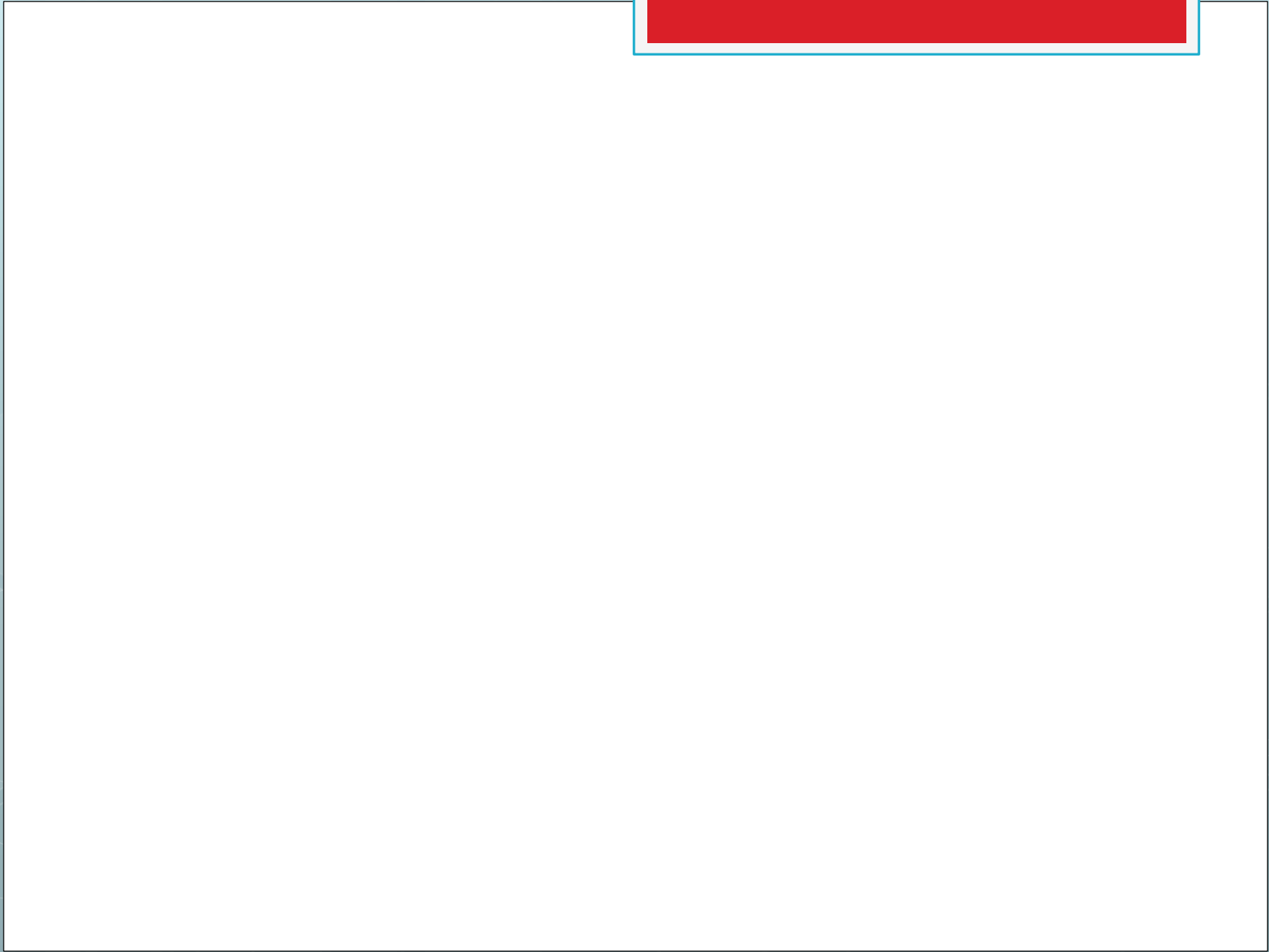



Contemporaneously with the  
payment of the sum the wife:-





the title to which she has lodged a  
caveat and shall not lodge any caveat  
over any property owned by the  
husband hereafter; and






does hereby forever renounce her  
entitlement to the testamentary  
provisions.



husband's right title and interest in  
the former matrimonial home (“the  
sale”) and the proceeds of the sale  
shall be applied:-






Firstly to pay the costs commissions  
and expenses of the said trust  
transfer and sale;



Secondly to discharge any  
encumbrance effecting the title to the  
former matrimonial home;



interest thereon calculated at the rate  
prescribed by the *Family Law Rules*  
*2004* with daily rests from the date  
until the payment is made; and



Fourthly, to pay the balance then remaining to the husband.



# 4<sup>th</sup> Asia Pro Bono Conference and Legal Ethics Forum Session Presentation Plan Template

**Name of Session:**

Comparing professional conduct rules of countries within the region and internationally.

**Session Description/Aim:**

This session will focus on the commonalities of professional conduct rules in the region and the reasons why these common topics are a source of bridging borders. It will explore the advantages and disadvantages of a codified approach to professional conduct, look at the differing penalties and disciplinary regimes for failure to comply and give practical examples of the successful application of professional conduct rules in the region.

**Total Session Minutes: (75 min)****Facilitator:**

Mark Woods, (Chair Access to Justice Committee, Law Council of Australia)  
mark.woods@ttwoods.com.au

**Co-Presenters:**

1. Mark Woods, (Chair Access to Justice Committee, Law Council of Australia)  
mark.woods@ttwoods.com.au

2. Richard Wu, (University of Hong) richwsu@hku.hk

3. Kyaw Min San, (Justice for All) kyawminsann@gmail.com

**Session Plan:**

Activity Step	Activity Description	Time (Min)	Presenters	Materials Needed
1.	Introductions	2	Facilitator outlines the session – and the presenters	
2.	What are we talking about?	5	Facilitator to outline three fact scenarios each having one or more professional conduct issues	PP
3.	Presenters to explain briefly the	15	Include any proposals for	

	position in their jurisdiction.		reform of the rules	
4.	<p>Small discussion groups. Groups of 5.</p> <p>What would happen in each of the fact scenarios in your jurisdiction ? What do you think are the advantages and disadvantages of a codified approach to professional conduct?</p>	15	Presenters move about interacting with groups and clarifying any queries	
5	Feedback: Rapporteur from each group feeds back to panel.	15	Two of presenters 'write up' feedback and facilitator 'calls'	2 x Flipcharts
6	Presenters provide brief outline of the differing penalties and disciplinary regimes.	10	All	
7	<p>Facilitator asks for audience feedback on whether they think the various regimes are effective.</p> <p>Facilitator asks audience for examples of effective measures or examples of 'successful' professional conduct rules.</p> <p>What makes them a success?</p>	15	Facilitator & presenters	
<b>Total Time:</b>		<b>75</b>		

## F1 Comparing professional conduct rules within the region and internationally.

### Case studies

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