

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2018/2019**

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**Part I Course Overview**

**Course Title:** Professional Conduct and Practice

**Course Code:** PLE5015

**Course Duration:** Semester A

**Credit Units:** 3

**Level:** P

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:**  
(Course Code and Title) Nil

**Precursors:**  
(Course Code and Title) Nil

**Equivalent Courses:**  
(Course Code and Title) Nil

**Exclusive Courses:**  
(Course Code and Title) Nil

## Part II Course Details

### 1. Abstract

This course aims:

- (1) To provide the student with a sound understanding of his/her professional and ethical responsibilities and to apply that understanding in the course of practice.
- (2) To provide the student with some basic and particular skills often required in practice.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

| No. | CILOs                                                                                                                                                          | Weighting<br>(if applicable) | Discovery-enriched curriculum related learning outcomes (please tick where appropriate) |    |    |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------|----|----|
|     |                                                                                                                                                                |                              | A1                                                                                      | A2 | A3 |
| 1.  | Explain what are the standards of professional conduct and responsibility and maintenance of solicitors' accounts required of lawyers practising in Hong Kong. |                              | ✓                                                                                       |    |    |
| 2.  | Identify professional responsibility and solicitors' accounts issues when they arise in a legal matter.                                                        |                              | ✓                                                                                       |    |    |
| 3.  | Analyse and suggest possible resolution of those issues in the context of a legal matter.                                                                      |                              |                                                                                         | ✓  |    |
| 4.  | Communicate effectively this analysis and, if necessary, act upon that analysis and suggest an appropriate resolution.                                         |                              |                                                                                         | ✓  |    |
| 5.  | Discover what it means to be a professional lawyer.                                                                                                            |                              |                                                                                         |    | ✓  |
|     |                                                                                                                                                                | 100%                         |                                                                                         |    |    |

**A1: Attitude**

*Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

**A2: Ability**

*Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

**A3: Accomplishments**

*Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

### 3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

| TLA | Brief Description                                                                                                                                                                                                                                                                                              | CILO No. |   |   |   |   | Hours/week<br>(if applicable) |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---|---|---|---|-------------------------------|
|     |                                                                                                                                                                                                                                                                                                                | 1        | 2 | 3 | 4 | 5 |                               |
| 1   | Teaching and learning will be based upon preparation by the students, overviews by the teacher and exercises for analysis and discussion in the large group sessions, problem analysis in the small group sessions and workshops involving team activity, simulated practice activity, and team presentations. | ✓        | ✓ | ✓ | ✓ | ✓ |                               |

### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

| Assessment Tasks/Activities              | CILO No. |   |   |   |   | Weighting | Remarks |
|------------------------------------------|----------|---|---|---|---|-----------|---------|
|                                          | 1        | 2 | 3 | 4 | 5 |           |         |
| Continuous Assessment: 0%                |          |   |   |   |   |           |         |
| Examination: 100% (duration: 3.25 hours) |          |   |   |   |   |           |         |
| Final Examination                        | ✓        | ✓ | ✓ | ✓ | ✓ | 100%      |         |
|                                          |          |   |   |   |   | 100%      |         |

## 5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

| Assessment Task                          | Criterion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Excellent<br>(A+, A, A-)                                                                                                                                                                                                                                                                                                                                                                                                                                       | Good<br>(B+, B, B-)                                                                                                                                                                                                                                                                                                                                                                                                                                    | Fair<br>(C+, C, C-*)                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Marginal<br>(D*) | Failure<br>(F)                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Open-book exam at the end of Semester A. | The Professional Conduct and Practice component constitutes 80% of the exam and the Solicitors' Accounts components constitutes 20% of this exam. To pass this course, students must obtain marks of 50% in both the Solicitors' Accounts and the Professional Conduct and Practice components of this exam. A failure to obtain such passes of 50% in these components will necessitate taking a re-sit in either one or both components, where failed, by way of supplementary exam or exams (where relevant). | <p>The exam evidences:</p> <ul style="list-style-type: none"> <li>• A superior grasp of the issues and the subject matter in the relevant components of Professional Conduct and Practice and Solicitors' Accounts</li> <li>• A strong capacity to analyse and synthesize professional conduct and solicitors' accounts issues as a lawyer would in practice</li> <li>• Possession of a wide knowledge base of the authorities taught in the Course</li> </ul> | <p>The exam evidences:</p> <ul style="list-style-type: none"> <li>• A strong grasp of the issues and the subject matter in the relevant components of Professional Conduct and Practice and Solicitors' Accounts</li> <li>• A good capacity to analyse and synthesize professional conduct and Solicitors' Accounts issues as a lawyer would in practice</li> <li>• A good understanding of the applicable authorities taught in the Course</li> </ul> | <p>The exam evidences:</p> <ul style="list-style-type: none"> <li>• An adequate grasp of the issues and the subject matter in the relevant components of Professional Conduct and Practice and Solicitors' Accounts</li> <li>• A fundamental capacity to analyse and synthesize professional conduct and Solicitors' Accounts issues as a lawyer would in practice</li> <li>• A fundamental understanding of the applicable authorities taught in the Course</li> </ul> | N/A              | <p>The exam does not evidence a fundamental:</p> <ul style="list-style-type: none"> <li>• issues and the subject matter in the relevant components of Professional Conduct and Practice and Solicitors' Accounts</li> <li>• capacity to analyse and synthesize professional conduct issues as a lawyer would in practice</li> <li>• understanding of the applicable authorities taught in the Course</li> </ul> |

\* Note: The University's grades C- and D are not used in the PCLL.

**Part III Other Information** (more details can be provided separately in the teaching plan)

**1. Keyword Syllabus**

*(An indication of the key topics of the course.)*

**Professional Conduct:**

- Introduction to Professional Conduct Course
- Ethical Responsibilities of Hong Kong lawyers
- Lawyers' Instructions and Retainers
- Confidentiality and Legal Professional Privilege
- Remuneration of Lawyers
- Legal Aid and Practice Promotion
- Lawyers' obligations to third parties
- Partnerships and Chambers
- Conflicts of Interest and of Duties
- Duties to the Court and the Advocate's duties to clients and third parties
- Disciplinary Procedures
- Anti-Money Laundering and Anti-terrorist-financing

**Solicitors' Accounts:**

- Introduction to Solicitors' Accounts
- Client Accounting
- Definitions of client, client money, client account
- Receipt of Client Money
- Split Cheques
- Withdrawal of Client Money
- Disbursements
- Restrictions, Exceptions and Errors
- Interest on Client Account
- Firm Management

## **2. Reading List**

### **2.1 Compulsory Readings**

*(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)*

The Desk Books and Course Materials Professional Conduct and Practice and Solicitors' Accounts. They also contain recommended references.

Recommended for purchase: Wilkinson and Sandor, *The Professional Conduct of Lawyers in Hong Kong* Student Edition 2008 LexisNexis.

#### *Hong Kong Solicitors' Guide to Professional Conduct Volume 2*

- Solicitors' Accounts Rules (Cap.159F), Chapter 15
- Guidelines for Accounting Procedures and Systems (Practice Direction K), Chapter 24
- Interest on Client's Account (Practice Direction J), Chapter 24

The Law Society of Hong Kong

- Manual on Solicitors' Accounting (Law Society Resource Centre, Other Publications)

### **2.2 Additional Readings**

*(Additional references for students to learn to expand their knowledge about the subject.)*

The Law Society and Bar Association Websites

Bilingual Laws Information System HK Ordinances and Subsidiary Legislation  
(<http://www.legislation.gov.hk/eng/home.htm>)

HK Legal Information Institute: <http://www.hklii.org/>