

WARNING

This material has been reproduced and communicated to you by or on behalf of *Charles Darwin University* in accordance with section 113P of the *Copyright Act 1968 (Act)*.

The material in this communication may be subject to copyright under the Act.
Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice



Family Name					
Given Name/s					
Student Number					
Teaching Period	Semester 2, 2018				

LWZ320 – Professional Responsibility	DURATION	
	Reading Time:	20 minutes
	Writing Time:	120 minutes
INSTRUCTIONS TO CANDIDATES		
<p>The Examination is worth 60% of the total marks for Unit There are four questions (note question 4 has four parts). Candidates must attempt all four questions. Questions are not of equal marks and carry the marks indicated.</p>		
EXAM CONDITIONS		
<p><u>You may begin writing from the commencement of the examination session.</u> The reading time indicated above is provided as a guide only.</p>		
This is an OPEN BOOK examination		
No calculators are permitted		
Any handwritten material is permitted		
Any hard copy, English dictionary is permitted (annotated allowed)		
ADDITIONAL AUTHORISED MATERIALS	EXAMINATION MATERIALS TO BE SUPPLIED	
Any printed material with the exception of CDU Library books	1 x 20 Page Book 1 x Scrap Paper	

**THIS EXAMINATION IS PRINTED
DOUBLE-SIDED.**

**THIS PAGE HAS BEEN INTENTIONALLY
LEFT BLANK.**

Question 1

In civil litigation in the Supreme Court of the Northern Territory (to which the *Evidence (National Uniform Legislation) Act* (NT) applies) the defendant (a corporation) sought to maintain a claim of client legal privilege in respect of a particular document. The plaintiff resisted the claim to privilege by leading evidence that the defendant had previously disclosed the document to an unrelated third party. The defendant demonstrated that the disclosure was the result of an action by one of its employees that was unauthorised. With reference to appropriate authority and legislation, discuss the defendant's prospects of success in maintaining a claim of privilege to the document. Would the outcome be any different if the provisions of the *Evidence (National Uniform Legislation) Act* (NT) did not apply?

15 marks

Question 2

To what extent do the duties, responsibilities and privileges of "in-house counsel" differ from those of lawyers practising in a legal practice? Describe the additional ethical pressures that may be encountered by "in-house counsel" when compared to lawyers practising in a legal practice.

15 marks

Question 3

In what circumstances and following what process can the funds held in a legal practice trust account be transferred to the general account of that practice?

10 marks

Question 4

Briefly describe the meaning and significance of the following terms

- A legal practitioner as "an officer of the Court"
- Trust monies
- Controlled monies.
- The "Cab Rank" rule.

20 marks (5 marks)

End of Exam