

# **PROFESSIONAL RESPONSIBILITY**

**Fall 2016**

## **COURSE SYLLABUS**

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## **WELCOME TO PROFESSIONAL RESPONSIBILITY!**

### **COURSE DESCRIPTION**

Professional Responsibility is a two-credit course designed to introduce students to the rules of professional responsibility that apply to attorneys and judges. The core of this course examines the law of “lawyering.” The primary focus of the course is on the ABA Model Rules of Professional Conduct and other rules regulating attorneys and judges. By the end of this course, you should:

- Master the basic concepts of the Model Rules of Professional Conduct.
- Be able to apply basic legal and ethical principles governing the practice of law.
- Understand the source of ethic rules and how they are enforced.
- Be fully exposed to subject matter upon which the Multi State Professional Responsibility (MPRE) is based.
- Appreciate the importance of your ethical and professional behavior as an attorney.

### **CLASS SCHEDULE**

Mondays 12:00 p.m. – 1:40 p.m.

### **REQUIRED MATERIALS**

Lisa G. Lerman and Philip G. Schrag, *Ethical Problems in the Practice of Law* (4th Ed., Wolters Kluwer 2016).

**ISBN:** 978-1-4548-6304-5

### **ASSIGNED MODEL RULES**

The American Bar Association’s Model Rules of Professional Conduct and the accompanying comments are on line at

[http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html).

Please bookmark that website. When an assignments requires you to read a Model Rule,

please read both the Rule and the comments. If the comments to a particular rule are voluminous, do not try to read all of them at once. Instead, find the comments that are relevant to the topic under discussion.

## **TWEN**

You must register on TWEN for this class. Course assignments, notices, schedule changes, etc. will be posted on the TWEN site. It is the responsibility of each student to regularly check the TWEN site for any changes/modifications to course specifics. The address is <http://lawschool.westlaw.com/> then follow the link to TWEN. It is highly recommended that you use a valid famu.edu e-mail address to sign up on the TWEN site.

At the end of this syllabus you will find the reading assignments for the first four (4) weeks of class. All subsequent reading assignments will be posted on the TWEN site.

## **CLASS FORMAT**

This is a problem-based course. Your textbook includes many problems that we will discuss in class. Most of the problems put you in the shoes of a lawyer who has to deal with a situation involving both legal strategy and legal ethics, which are sometimes in conflict. Most of the problems are more complex than on-the-spot classroom hypotheticals, and will require analysis before the class in which the problem will be discussed. For each assigned problem, study the fact carefully, decide what you would do if you were in the shoes of the lawyer, and come to class prepared to discuss and defend the action (if any) that you would take.

At all times you must conduct yourself in a respectful manner towards me and your classmates. There is zero tolerance for disrespectful behavior. If you fail to comply with this standard you will leave the classroom and will be considered absent for that day. No food or drinks are allowed during class.

## **A WORD ABOUT STUDY GROUPS**

I strongly suggest that you work in a study group outside of class because members of the group are likely to take different approaches to a problem, thereby exposing the possible options and considerations. It will also be necessary for you to work in groups during in-class discussions.

## **CLASS ATTENDANCE REQUIREMENTS:**

You are enrolled in a professional institution. Class attendance, participation and punctuality are mandatory. You are required to attend all class meetings and are to record your attendance daily by signing the attendance roll. When I walk into the classroom the classroom is closed. Any student arriving after such time is late, will not be allowed to sign the attendance roll, and will be considered absent from class for that day. Questions of "excused" absences or reasons for tardiness will not be entertained. If you are absent, for whatever reason, you are absent. If you are not prepared for class on any given day, you are absent for that day. Please ensure that you read and adhere to the

law school's attendance policy, located in the student handbook. Students who miss more than the allotted number of classes per the student handbook will receive an F and will be automatically dropped from the class. **It is your responsibility to contact me during the semester at the earliest time possible if you run into difficulties complying with these standards.**

### **CLASS ASSIGNMENTS/READING REQUIREMENTS**

Our pace will vary depending on the complexity of the material and on class discussion, but a tentative assignment sheet is attached. Please note that from time to time the scheduled reading assignment may be modified. Any modifications to the reading assignment will be announced during class time. All students are responsible for any modified readings announced, and material provided during class. **You should always be prepared to discuss the material assigned for the date, even if we have not covered all material assigned from the previous class.**

### **EXAMINATIONS AND GRADING**

You will have one final examination.

The final examination given at the end of the semester will determine 100% of your grade for this course. This final examination will be two hours in length and will be "closed book." The date and time for the final examination will be set by the Dean's office and posted later in the semester. **Any rescheduling due to conflicts or illness must be done through the Office of the Associate Dean for Academic Affairs and *not* mentioned to me in order to preserve your anonymity.**

- Class participation and any in-class group work may be considered in determining any increase in your grade at the end of the semester.

### **MISCELLANEOUS**

No syllabus can answer every question that might arise. You have been provided with my e-mail address and office phone number. Please note my office hours and take advantage of that time to discuss any additional questions/comments you may have.

I look forward to working with you as you enter the exciting world of Professional Responsibility!

**PROFESSIONAL RESPONSIBILITY – PROFESSOR BOOTHE-PERRY**

**READING ASSIGNMENTS**

WK	Topics problems and cases to be discussed in class	Pages of textbook assigned, and relevant rules
<b>Introduction and Chapter 1: Regulation of Lawyers</b>		
1	Introduction to the course Institutions that regulate lawyers State ethics codes Admission to practice The character and fitness inquiry 1-2 <i>Weed</i> 1-3 <i>The Doctored Resume</i>	Text: pp. xxxiii-xxxvii and pp. 1-63 Model Rules: Preamble and Scope note, and Rule 8.1
<b>Chapter 2: Lawyer Liability</b>		
2	Professional discipline Process and grounds for discipline Reporting misconduct by other lawyers <b>2-3 Exculpatory Evidence</b> Lawyers’ responsibility for ethical misconduct by superiors and colleagues <b>2-4 The Little Hearing</b> Legal protections for subordinate lawyers Kelly v. Hunton & Williams “The whistleblowing associate” Civil liability of lawyers Criminal liability of lawyers	65 – 78; 83 - 87; 90 – 104; 105 – 140; Model Rules 5.1-5.3, 8.3
<b>Chapter 3: The Duty to Protect Client Confidences</b>		
3	The basic principle of confidentiality <b>3-1 Your Dinner with Anna</b> Exceptions to the duty to protect confidences Revelation of past criminal conduct 3-2, 3-3 and 3-4 <i>The Missing Persons</i> <i>People v. Belge</i>	141-173 Model Rule 1.6 Model Code DR 4-101

4	Confidentiality, continued Risk of future injury or death <b>3-5 Rat Poison</b> Client frauds and crimes that cause financial harm <b>3-6 Reese's Leases</b> Other exceptions to the duty to protect confidences	173-196; Model Rules 1.2(d), 1.6, 1.16, 3.3, 4.1, 8.4(c)
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