

Professional Responsibility Fall 2017

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Please take the time to read this syllabus carefully. It contains important information about the organization of the course, the requirements, and your grade. This is a syllabus, not a contract, and it is subject to change. Refer to TWEN for the most up-to-date information.

Organization of the Course

1 Course Description. Welcome to one of the most important classes in the law school curriculum. More than any other class you will take during your time in law school, this course is about you and your future. The course is designed to acquaint you with the lawyer's obligations—both individual and as a member of the legal profession—to the world in which he/she lives. In addition to a discussion of ethical concerns inherent in the practice of law, we will cover lawyer regulation including the Model Rules of Professional Conduct. We also will consider what it means for you to become a member of the legal profession at a time of economic pressure, technological advancement and international competition. A lawyer's work largely turns upon relationships, namely between the lawyer and client, but also in the connections made with fellow lawyers, other professionals and society in general. This course is your opportunity to reflect upon the lawyer you will become as you build these relationships over the coming years. I consider it my professional responsibility to do all that I can in this course to ensure that you will be well-equipped for a rewarding and meaningful career in the law. I will demand excellence from you in every class; you should expect the same from me.

2 Learning Outcomes. During your time in this course, you will develop competence in the following:

- Knowledge and understanding of substantive and procedural law regulating lawyers' conduct;
- Legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to legal ethics and professional responsibility;
- Exercise of proper professional and ethical responsibilities to clients and the legal system;
- Reflection upon how to integrate conceptions of professionalism and the lawyer's role into your career;
- Recognition of the trends that will influence the future of lawyers' work; and
- Other professional skills needed for competent and ethical participation as a member of the legal profession.

More details about the specific learning outcomes for this course are included below with the reading assignments.

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3 Required Materials.

- A. PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH, Knake et al. (2017) http://store.westacademic.com/Pearce_Professional_Responsibility_A_Contemporary_Approach_3d_9781634600163.html *You MUST have this edition because there have been significant content revisions from the first and second editions.* You may wish to register for the e-version of your textbook (see the inside front cover) or to purchase only the e-version, which you may do here: <http://store.westacademic.com/Professional-Responsibility-A-Contemporary-Approach-3d-eBook-and-Learning-Library.html>
- B. AMERICAN BAR ASS'N MODEL RULES OF PROFESSIONAL CONDUCT 2017, available online http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html You must access these rules online. You are not required to purchase a print copy, but you might find it helpful to do so. The most affordable option is to purchase the ABA's version. *Please note that when the ABA Model Rules of Professional Conduct are referenced in the casebook, you are responsible for looking up and reading the entire Rule as well as the corresponding Comments, which require clicking through to a new webpage.*
- C. You are required to register for TWEN; I will regularly use TWEN to communicate with you and to post lectures/collect assignments/administer quizzes/etc. each week.

4 Distance Education Course Requirements. This is a distance education course. Other than our first meeting, which is mandatory and in-person, all of our meetings will occur remotely via Zoom Video Conferencing or pre-recorded lecture made available via TWEN. (See “Meetings” below for more details.) **Please note that students may not be granted more than four (4) credit hours of an online course in any term or more than a total of twelve (12) credit hours toward the JD degree per American Bar Association requirements, and students may not enroll in online courses until after completing twenty-eight (28) hours toward the JD degree. Students are responsible for ensuring individual compliance with this requirement.**

5 Technology Etiquette. We will rely heavily on use of computers and electronic communication in this course. Please review my Policies on Use of Technology and Electronic Communication, available for download on TWEN. **In all email correspondence, please use PRFALL2017 in the start of your subject line.**

6 Meetings. Our scheduled meeting time is Monday and Wednesday from 6-7:30PM. **This is a synchronous and asynchronous distance education class—please read the information about meeting times carefully.**

- **Synchronous Meetings.** The Monday meeting is a live meeting via Zoom Technology. You are required to attend the full session from 6-7:30PM, and your attendance will be noted by when you sign into and out of the Zoom meeting space. You are responsible for being in a location with stable internet access and prepared to begin class promptly at 6PM. Late sign-ins will count as absences (as will early sign-offs). In addition to opportunities for volunteering during the live meeting, each student will be “on call”

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during a live meeting on at least two occasions. Refer to “Class Participation” below for more detail.

- **Asynchronous Meetings.** The Wednesday meeting will be a pre-recorded lecture posted to TWEN, along with a required quiz also on TWEN and weekly activity that you must complete before the following Monday meeting. Instructions for the required activity will be communicated during in the recorded lecture. You may watch the recorded lecture during the scheduled Wednesday meeting time, or at a time convenient for you, provided that you allocate sufficient time to complete the required exercise. ***Please note that the recorded lecture will only be available for one week, and then it will be replaced with the following week’s lecture. You are responsible for watching the lecture and completing the required weekly activity—do not ask me to provide written instructions about the weekly activity and do not request the previous week’s recording.*** (I will take questions to clarify instructions provided that you have watched the lecture in full before contacting me with follow-up questions.)
- My office hours are from 4-6PM Mondays via Zoom Conference and at your convenience by emailing me: rknae@uh.edu. We can meet in person at the Law Center, via Zoom, or by phone.
- Please note that you are required to attend the first class in-person. We will receive training at that time on the Zoom Video Conferencing that will enable us to conduct the course via distance learning.

7 Class Preparation, the On-Call Policy. Each student will be “on call” once during the live Monday meetings. Please see the assigned dates at the end of this syllabus. ***Do not contact me about altering your on-call obligations. If you must switch, you will need to speak with a classmate to arrange this, and the two of you should send me an email in advance.*** (Consider it an opportunity to practice a skill that will serve you well when you are unable to appear in court as required.) ***You must sign into the Zoom Conference Room by 5:45PM for your on-call date.***

8 Grade. Your grade is based upon ten online quizzes (50%), class participation (25%), and a final exam (25%). Class participation includes performance when on call during live lectures and completion of the weekly activities which require some written submissions and occasional postings on the TWEN discussion forum board. ***Thoughtful, well-reasoned and well-edited, professional school level work is required and is a component of your grade, including on the final exam. This includes proper citation to rules, cases, laws, ethics opinions, etc.*** To earn the full participation component of your grade, you must complete all weekly activities and perform appropriately when on-call. (See below for feedback on the weekly activities.)

9 Feedback. This course utilizes formative and summative assessments to provide meaningful feedback over the semester. Formative assessment is designed to enhance learning by providing feedback during the semester so that you may incorporate lessons learned before attempting the next assignment. Summative assessment evaluates overall performance at the end of the course with a final exam. You will receive several kinds of formative assessment during this course:

- A. Weekly quizzes with immediate feedback on performance; you will receive a score automatically upon submission.
- B. During the live lecture following each quiz, more detailed feedback on quiz performance will be provided.

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- C. Some weekly activities are assessed only for participation and some will provide individualized, written feedback from me. Please note that for activities with individualized, written feedback, due to the high enrollment for this course, timely feedback may require up to three weeks from the date of submission. I will provide general feedback on all activities during the live lecture that follows.

10 Final Exam. The final exam is an open-book, take-home exam consisting of short answer and essay questions. You will have three hours to complete it. The exam will be made available on TWEN during the entire exam period and you may take it at your convenience so long as it is complete on the last date of the exam period. More information will be provided during the last live class, which will include an exam review.

11 Attendance. Regular attendance is expected and certainly in your best interest. Not only will attendance at every class inevitably help your grade, but it likely will leave you better prepared for the MPRE (more on that below). The Law Center requires you to attend 80% of this course. I will monitor your attendance for the live lectures based upon you signing into the Zoom meeting space, and based upon your completion of the required online quizzes and weekly activities. ***Do not contact me asking about your attendance record; this is your responsibility to track.*** However, if you will be missing live classes beyond the amount allowed due to religious, health, or interviewing reasons, please send an email to document the reason for the absence.

12 The MPRE. For admission to the bar of most states (including Texas), you must pass the Multistate Professional Responsibility Exam (MPRE). The MPRE is a multiple-choice exam covering the ABA Model Rules of Professional Conduct and Code of Judicial Conduct as well as generally accepted principles established in federal and state cases regarding the conduct of lawyers. This class will cover a number of subjects included on the exam and will provide a useful background; however, this is not an MPRE review course. Before you take the MPRE, I STRONGLY encourage you to take a review course in addition to this class. More information can be found at <http://www.ncbex.org/about-ncbe-exams/mpre/test-dates-deadlines-and-fees/>. The test date for this fall is November 4, 2017. You must register by September 14, 2017 to pay the lowest registration fee. See <http://www.ncbex.org/exams/mpre/registration/>

13 ADA Accommodations. The Law Center is committed to meeting the needs of students with physical, learning and other disabilities and provides appropriate accommodations and services tailored to each person's specific requirements. Please contact the Center For Students With Disabilities at (713) 743-5400 for more information.

14 Counseling and Psychological Services. Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

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Reading Assignments, Quizzes, and Weekly Activities

- All references to the “Rule/s” or “Model Rule/s” are to the American Bar Association Model Rules of Professional Conduct.
- Note that your reading assignments may look long, but are instead, for the most part, very detailed, spelling out precisely which materials you should review. Read closely, and you’ll save yourself time reading only what is assigned and relevant to our class.
- Remember, if you are using the e-version of casebook, much of the material includes hyperlinks to definitions, the Rules, additional source materials, etc. You are not required to read the hyperlinked material, but you undoubtedly will find the material useful and reviewing it likely will help your performance in this class.
- *The reading assignments for the coming week will be announced at the end of the live class each Monday. The weekly activity will be announced during the Wednesday recorded lecture.*
- **QUIZZES AND WEEKLY ACTIVITIES MUST BE COMPLETED PRIOR TO THE FOLLOWING MONDAY—NO CREDIT WILL BE GIVEN FOR LATE QUIZZES OR WEEKLY ACTIVITIES, SO PLEASE PLAN ACCORDINGLY FACTORING IN TIME FOR EMERGENCIES AND UNEXPECTED LIFE EVENTS.**

Chapter 1: Introducing Professionalism and Legal Ethics

Learning Outcomes

At the end of this unit, you will be able to:

- Understand the framework for the rules and laws that regulate lawyers’ conduct
- Evaluate what constitutes the unauthorized practice of law
- Understand how the lawyer disciplinary system works
- Determine how to gain admission to the bar
- Articulate how you would respond to an ethical dilemma
- Differentiate professionalism and the dominant conception of the lawyer’s role
- Reflect on the connection between personal and professional values

August 21 – Live Lecture @ 6PM in person UHLC Room BLB 3

- ☐ Read pages 1-21

August 23 – Recorded Lecture

- ☐ Review of pages 1-21 (previously read August 21), and note that the reading for Monday 8/28 is lengthy so you might want to read ahead in advance.
- ☐ Weekly Activity: Your weekly activity will be based upon the video identified in the Food for Thought Box on page 13 of your casebook and the Food for Thought Box on page 21.
*Further instructions about the weekly activity will be given during the recorded lecture, also available from August 23 until August 28. Failure to submit your assignment by August 28 will result in zero credit.

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Chapter Two: The Basic Elements of Law Practice

Learning Outcomes

At the end of Units I and II, you will be able to:

- Explain the rationale that underlies the regulation of the unauthorized practice of law (UPL) and the critiques against this regulation
- Apply the existing UPL principles to traditional fact patterns and new technologies
- Apply the rules that specify how lawyers may share fees or ownership with non-lawyers including the basic prohibition and the exceptions
- Determine whether a lawyer's conduct in a law-related business is subject to the rules of professional conduct

At the end of Unit III, you will be able to:

- Recognize the importance of asking the question “Who is my client” and determining the answer at the outset of every relationship
- Evaluate whether a lawyer-client relationship exists, including circumstances in which a lawyer might have a duty to accept representation or a duty to reject representation

Unit IV, you will be able to:

- Distinguish among situations that require, permit, or prohibit a lawyer to withdraw from representation of a client
- Determine what actions a lawyer must take before withdrawing from representation

At the end of Unit V, you will be able to:

- Articulate the distinctions between lawyer discipline rules, malpractice liability, and ineffective assistance of counsel
- Comply with the rules that govern a lawyer's ability to limit malpractice liability

At the end of Unit VI, you will be able to:

- Recognize the decisions that clearly are allocated to clients rather than lawyers
- Identify the circumstances in which the traditional rules about allocation of decision-making authority do not apply

August 28 – Live Lecture @ 6PM via Zoom

- ☐ Units I & II Defining the Practice of Law: read pages 23-40, 50-71 plus Model Rules 5.3, 5.4, 5.5 5.7 and 8.5

August 30 – Recorded Lecture

- ☐ Units III & IV Creating and Ending the Lawyer-Client Relationship: read pages 72-99 plus Model Rule 1.16

Weekly Activity: Sources Regulating the Practice of Law CALI Exercise <https://www.cali.org/lessonlink/655/PR09/4891/jq> You will need the following password for CALI registration: HOUSTUstu90

*Further instructions about the weekly activity will be given during the recorded lecture, also available from August 30 until September 6. Failure to submit your assignment by September 6 will result in zero credit.

September 4 No Class – Labor Day

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September 6 – Recorded Lecture

- ☐ Unit V The Duty of Competence: read pages 104 to 129 plus Model Rule 1.1
- ☐ Weekly Activity: Finding a Lawyer; Finding a Client (individualized feedback)
*Further instructions about the weekly activity will be given during the recorded lecture, also available from September 6 until September 11. Failure to submit your assignment by September 11 will result in zero credit.

September 11 – Live Lecture @ 6PM via Zoom

- ☐ Unit V Ineffective Assistance of Counsel: read pages 129 to 138
 - ☐ Unit VI Principles that Govern the Relationship Between Lawyers and Clients: read pages 150 to 158, 160 to 178 plus Model Rules 1.2 and 1.14
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Chapter 3: The Business, Technology, and Marketing of Legal Services

Learning Outcomes

At the end of Units I and II, you will be able to:

- Distinguish solicitation from advertising
- Identify the states' interest in regulating lawyer advertising as commercial speech
- Recognize the ways in which lawyers are advertising with new media and technologies that may not be governed directly by the Model Rules
- Determine whether a lawyer solicitation or advertisement complies with the Model Rules

At the end of Unit III, you will be able to:

- Distinguish the types of fees a lawyer may charge
- Analyze whether a lawyer's fee is reasonable under the Model Rules
- Analyze what funds or property a lawyer must maintain separately from the lawyer's property, including in a trust account

September 13 – Recorded Lecture

- ☐ Units I and II Finding Clients: read pages 179-191 plus Model Rules 7.1, 7.2, and 7.3
- ☐ Weekly Activity: Lawyer Advertising Exercise
*Further instructions about the weekly activity will be given during the recorded lecture, also available from September 13 until September 18. Failure to submit your assignment by September 18 will result in zero credit.

September 18 – Live Lecture @ 6PM via Zoom

- ☐ Units I and II Finding Clients: read pages 192-224

September 20 – Recorded Lecture

- ☐ Unit III Fees and Billing: read pages 241-72 plus Model Rule 1.5
- ☐ Weekly Activity: Fees CALI Exercise <https://www.cali.org/lessonlink/659/PR13/4891/jq>
*Further instructions about the weekly activity will be given during the recorded lecture, also available from September 20 until September 25. Failure to submit your assignment by September 25 will result in zero credit.

Chapter 4: Attorney-Client Privilege and the Duty of Confidentiality

Learning Outcomes

At the end of Units I and II, you will be able to:

- Understand the relationship and distinguish between attorney-client privilege and the duty of confidentiality

At the end of Unit III, you will be able to:

- Explain the rationale for attorney-client privilege and the necessary elements
- Identify who has the authority to waive attorney-client privilege
- Analyze selective waiver of attorney-client privilege
- Evaluate the impact of mistaken disclosures on attorney-client privilege
- Summarize the Federal Rule of Evidence addressing attorney-client privilege
- Recognize the crime-fraud exception to attorney-client privilege

At the end of Unit IV, you will be able to:

- Identify the basics of the duty of confidentiality including the scope of information within the duty of confidentiality and exceptions
- Assess whether the duty of confidentiality and exceptions serve clients' interests, lawyers' interests, or society's interests
- Develop your own view on whether the duty of confidentiality should be modified

September 25 – Live Lecture @ 6PM via Zoom

- ☐ Units I-III Attorney Client Privilege: read pages 289-302, 307-324, 330-346, 350-353

September 27 – Recorded Lecture

- ☐ Unit IV The Basics of the Duty of Confidentiality Under 1.6: read pages 353-362 plus Model Rule 1.6
- ☐ Weekly Activity: The Buried Bodies Case (individualized feedback)
http://www.radiolab.org/story/the_buried_bodies_case/
*Further instructions about the weekly activity will be given during the recorded lecture, also available from September 27 until October 2. Failure to submit your assignment by October 2 will result in zero credit.

October 2 – Live Lecture @ 6PM via Zoom

- ☐ Unit IV The Basics of the Duty of Confidentiality Under 1.6: read pages 362-384

October 4 – Recorded Lecture

- ☐ Review—recorded lecture only, no required reading.
- ☐ Weekly Activity: The Attorney's Duty of Confidentiality and the Attorney Client Privilege CALI Exercise <https://www.cali.org/lessonlink/1202/PR16/4891/jq> and Exceptions to the Ethical Duty of Confidentiality Designed to Protect Third Persons from Harm CALI Exercise <https://www.cali.org/lessonlink/1280/PR17/4891/jq> Your weekly activity will also be based upon the Food for Thought Box on page 384 of your casebook. *Further instructions about the weekly activity will be given during the recorded lecture, also available from October 4 until October 9. Failure to submit your assignment by October 9 will result in zero credit.

Chapter 5: Conflicts of Interest

Learning Outcomes

At the end of Units I and II, you will be able to:

- Analyze whether a concurrent conflict of interest exists and if representation is permitted
- Evaluate the enforceability of a prospective conflict of interest waiver
- Articulate what constitutes proper informed consent to a conflict of interest
- Recognize when a positional conflict of interest exists

At the end of Units III and IV, you will be able to:

- Analyze whether a conflict of interest exists between a client's interests and the lawyer's personal or financial interest and, if so, whether representation is permitted
- Determine whether a lawyer is prohibited from serving as an advocate in a trial in which the lawyer may serve as a witness

At the end of Unit V, you will be able to:

- Analyze whether a former client conflict of interest exists and if representation is permitted
- Analyze whether a former government lawyer is prohibited from representing a client and whether that lawyer's conflict is imputed to the lawyer's firm
- Analyze whether a current government lawyer is prohibited from representing a client because of a conflict of interest arising out of previous private practice work

At the end of Unit VI and VII, you will be able to:

- Articulate the duties of lawyers serving as third-party neutrals
- Analyze when conflicts of interest are imputed to lawyers associated in a firm
- Determine when representation is permitted even though there are conflicts of interest imputed to a tainted lawyer's firm

At the end of Unit VIII, you will be able to:

- Identify criminal defense attorney conflicts of interest
- Evaluate when defense attorney conflicts of interest result in ineffective assistance of counsel

October 9 – Recorded Lecture

- ☐ Units I and II Simultaneous Representations of Multiple Clients: read pages 384-402 and 408-412 plus Model Rule 1.7

October 11 – Recorded Lecture

- ☐ Units I and II Simultaneous Representations of Multiple Clients: read pages 412-428
- ☐ Weekly Activity: Client or Not? CALI Exercise
<https://www.cali.org/lessonlink/660/PR14/4891/jq>

*Further instructions about the weekly activity will be given during the recorded lecture, also available from October 11 until October 16. Failure to submit your assignment by October 16 will result in zero credit.

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October 16 – Live Lecture @ 6PM via Zoom

- ☐ Unit III Conflicts Between Client's Interests and Personal or Financial Interests of the Lawyer and Unit IV Representation Adverse to a Former Client: read pages 429-440, 445-48 plus Model Rules 1.8, 1.9, and 1.11

October 18 – Recorded Lecture

- ☐ Unit VI Lawyers as Third Party Neutrals, Unit VII Vicarious Disqualification, Unit VII Conflicts of Interest in Criminal Cases: read pages 453-475, plus Model Rules 1.10 and 1.12
 - ☐ Weekly Activity: ABA Conflicts Hypos Exercise (individualized feedback) <https://uh.mediasite.com/mediasite/Catalog/catalogs/law-pr-knake>
*Further instructions about the weekly activity will be given during the recorded lecture, also available from October 18 until October 23. Failure to submit your assignment by October 23 will result in zero credit.
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Chapter 6: The Lawyer's Duties to the Legal System, the Profession, and Nonclients

Learning Outcomes

At the end of Unit I, you will be able to:

- Explain the tension between the lawyer's role as a "zealous advocate" and the lawyer's role as an "officer of the court"
- Distinguish between a frivolous claim and a good faith argument of law
- Recognize the duty to disclose adverse legal authority
- Analyze the duty to take reasonable remedial measures for "criminal or fraudulent conduct related to the proceeding" and how this duty trumps the duty of confidentiality
- Analyze the attorney's obligations when the attorney reasonably believes, but is not certain, that a client intends to commit perjury in a civil case and a criminal case
- Address the prohibition against stating a personal opinion as to the justness of a cause and the prohibition against encouraging third parties to withhold relevant information
- Analyze the rules relating to the compensation of occurrence witnesses as well as ex parte communications with judges and jurors
- Identify other obligations to the court and third parties

At the end of Unit II, you will be able to:

- Analyze the prohibition against implying disinterest and offering legal advice to unrepresented persons
- Analyze the prohibition against making false statements of material fact or failing to disclose material facts when disclosure is necessary to avoid assisting the client in a criminal or fraudulent act
- Distinguish between proper and improper conduct when litigating against a party suspected of criminal wrongdoing
- Analyze the prohibition on assisting a client with a crime or fraud
- Analyze the duty to refer matters to higher authority in the organization under the Model Rules

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- Analyze the prohibition against failing to disclose material facts when disclosure is necessary to avoid assisting the client in a criminal or fraudulent act
- Analyze the elements of the Hazard test for civil and criminal liability
- Analyze state of mind requirements for discipline for subordinate and supervising attorneys
- Analyze the duty of competence as applied to legal opinions
- Analyze the Sarbanes-Oxley regulations to determine what factual circumstances trigger the duty to report up-the-ladder

At the end of Unit III, you will be able to:

- Analyze the prohibition against communications with a represented party
- Analyze the prohibition against communications with a represented party where a non-lawyer agent is used
- Analyze the duty to notify the other party in connection with inadvertent disclosures
- Analyze the prohibition against making an agreement that restricts the right of lawyers to practice law as part of a settlement of a client controversy
- Analyze the duty to report lawyer misconduct and the exception when information about misconduct is gained while participating in a lawyer assistance program

October 23 – Live Lecture @ 6PM via Zoom

- ☐ Units I and II Duties to the Court and Other Tribunals: read pages 477-503 plus Model Rules 3.1, 3.2, 3.3, 3.4

October 25 – Recorded Lecture

- ☐ Unit I Duties to the Court and Other Tribunals: read pages 503-524 plus Model Rules 3.5, 3.6, 8.4
- ☐ Weekly Activity: Gentile v. Nevada State Bar Exercise
<https://uh.mediasite.com/mediasite/Catalog/catalogs/law-pr-knake>
*Further instructions about the weekly activity will be given during the recorded lecture, also available from October 25 until October 30. Failure to submit your assignment by October 30 will result in zero credit.

October 30 – Live Lecture @ 6PM via Zoom

- ☐ Unit II Duties to Third Parties and to the Law: read pages 524-536, 544-568 plus Model Rules 4.1, 4.2, 4.3, 4.4, 8.3

November 1 – Recorded Lecture

- ☐ Unit III Duties to the Legal Profession: recorded lecture only, no reading assignment
- ☐ Weekly Activity: Review—Model Rules of Professional Conduct Drills I and II for MPRE Prep <https://www.cali.org/lessonlink/648/PR02/4891/jq> and <https://www.cali.org/lessonlink/652/PR06/4891/jq>
*Further instructions about the weekly activity will be given during the recorded lecture, also available from November 1 until November 6. Failure to submit your assignment by November 6 will result in zero credit.

November 4 MPRE

Chapter 7—Special Ethical Rules: Prosecutors and Judges

Learning Outcomes

At the end of Unit I, you will be able to:

- Articulate the unique role of the prosecutor as minister of justice
- Recognize the boundaries of the prosecutor's discretion to charge
- Differentiate the constitutional obligation to disclose evidence (the Brady Rule) from the requirements under Rule 3.8
- Identify proper prosecutorial conduct at different stages of an action, including plea bargaining, trial, sentencing, and post-conviction
- Analyze, and articulate the policy behind, the rules requiring prosecutors to rectify, as well as avoid, wrongful convictions

At the end of Unit II, you will be able to:

- Recognize the sources of law governing the ethical standards for judges
- Analyze prohibitions on external influences for sitting judges
- Analyze when judicial disqualification is required
- Recognize limitations on extrajudicial activity
- Recognize limitations imposed on candidates for judicial elections
- At the end of Unit I, you will be able to:
 - Articulate the unique role of the prosecutor as minister of justice
 - Recognize the boundaries of the prosecutor's discretion to charge
 - Analyze when a prosecutor must refrain from prosecuting a charge for lack of probable cause
- Recognize the role and requirements of prosecutors in ensuring a defendant's right to counsel
- Recognize the prohibition on a prosecutor seeking waiver of pretrial rights from an unrepresented accused
- Differentiate the constitutional obligation to disclose evidence (the Brady Rule) from the requirements under Rule 3.8
- Identify proper prosecutorial conduct at different stages of an action, including plea bargaining, trial, sentencing, and post-conviction
- Analyze, and articulate the policy behind, the rules requiring prosecutors to rectify, as well as avoid, wrongful convictions
- At the end of Unit II, you will be able to:
 - Recognize the sources of law governing the ethical standards for judges
 - Analyze prohibitions on external influences for sitting judges
 - Analyze when judicial disqualification is required
 - Recognize limitations on extrajudicial activity
 - Recognize limitations imposed on candidates for judicial elections

November 6 – Live Lecture

- ☐ Unit I Ethical Standards for Prosecutors: read pages 589-597, 615, 622-632, 639-648, 660-661 plus Model Rule 3.8

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November 8 – Recorded Lecture

- ☐ Unit II Ethical Standards for Judges: read pages TBA
 - ☐ Weekly Activity: The Facebooking Judge Exercise and *White v. Republican Party of Minnesota* exercise
<https://uh.mediasite.com/mediasite/Catalog/catalogs/law-pr-knake>
*Further instructions about the weekly activity will be given during the recorded lecture, also available from November 8 until November 13. Failure to submit your assignment by November 13 will result in zero credit.
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Chapter 8—What is the Proper Role of a Lawyer?

Learning Outcomes

At the end of this Chapter, you will understand how to:

- Identify the elements of, and rationale for, the dominant conception of the lawyer's role as a neutral partisan
- Differentiate the neutral partisan role from the historical understanding of lawyers as servants of the public good
- Describe the arguments for and against alternative lawyering models grounded in moral responsibility, feminism, religion, racial justice, LGBTQ rights, and civic responsibility
- Apply each model to lawyering decisions
- Differentiate each model from the neutral partisan role
- Articulate the lawyer's role that you choose for yourself

November 13 – Live Lecture @ 6PM via Zoom

- ☐ Units I and II The Dominant Conception of the Neutral Partisan: read pages TBA
- ☐ Unit III Competing Visions of Professional Morality: read pages TBA
- ☐ Weekly Activity: Red State, Blue State Exercise
*Further instructions about the weekly activity will be given during the recorded lecture, also available from November 15 until November 20. Failure to submit your assignment by November 20 will result in zero credit.

November 15 – Recorded Lecture

- ☐ Units I and II The Dominant Conception of the Neutral Partisan: read pages TBA
 - ☐ Unit III Competing Visions of Professional Morality: read pages TBA
 - ☐ Weekly Activity: Red State, Blue State Exercise
*Further instructions about the weekly activity will be given during the recorded lecture, also available from November 15 until November 20. Failure to submit your assignment by November 20 will result in zero credit.
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Chapter 9—Why Do Lawyers Have Special Privileges and Responsibilities?

Learning Outcomes

At the end of Unit I, you will be able to:

- Assess whether standards for bar admission and discipline guarantee that lawyers provide competent representation

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- Assess whether restrictions on the unlicensed practice of law protect the public
- Reflect upon competing visions of professionalism and morality

At the end of Unit II, you will be able to:

- Discuss special obligations of lawyers to the public, including pro bono service
- Identify implicit bias and propose solutions through behavioral legal ethics and other tools

In general:

- Articulate considerations for developing a personally satisfying career in the law
- Describe emerging issues in the regulation of legal services

November 20 – Recorded Lecture

- ☐ Unit I The Professional Privilege: read pages 807-845, 860-865, 872-876 plus Model Rule 6.5
- ☐ Weekly Activity: Discipline and Substance Abuse Exercise; Law Governing Admission to Practice CALI Exercise: <https://www.cali.org/lessonlink/656/PR10/4891/jq>
*Further instructions about the weekly activity will be given during the recorded lecture, also available from November 22 until November 27. Failure to submit your assignment by November 27 will result in zero credit.

November 22 – no class Thanksgiving break

November 27 – Live Lecture @ 6PM via Zoom

- ☐ Unit II Special Responsibilities: skim pages 876-913.
- ☐ Exam Review. **Submit questions about the exam by midnight November 25.**

Live Lecture On-Call Schedule

August 28 Acquaaah, Agha, Archer, Ashe, Bachtel

September 11 Barbieri, Bayley, Bergeron, Cornejo, Countryman

September 18 Davis, Del Villar, Espstein, Foster, Gonzales

September 25 Goodwill, Guterrez, Hamley, Haygood, Hoeflerlin

October 9 Kyler, Lebeau, Linder, Lok, Makopolous

October 23 Malone, Maraist, Martin, McKnight, Mehmood

October 30 Meltser, Moriarty, Motamedi, Otto, Pham

November 6 Quesada, Rhodes, Rider, Sanderlin, Smith

November 13 Steinhart, Steig, Trevino, Trujillo, Valencia

November 27 Walker, Waterwall, Wiethorn, Xu