

Syllabus for Professional Responsibility -- Spring 2015 -- Prof. Janicke

Required books: (1) Gillers, *Regulation of Lawyers: Problems of Law and Ethics* (9th Edition, Aspen), either eBook or hardcover; (2) Lerman et al., *Ethical Problems In The Practice Of Law: Model Rules, State Variations, And Practice Questions* (Aspen 2014 expected)

Additional materials will be posted on Janicke faculty homepage, www.law.uh.edu/faculty/pjanicke.

The course will address the most common ethical issues arising in the practice of law, primarily in four broad areas: Loyalty to clients; confidentiality; duties to the courts and the justice system; and avoidance of conflicts of interest. Students will be called upon to recite cases from the Gillers casebook and to present their solutions to problems set out in the casebook. In the following details of coverage, parenthetical numbers generally refer to pages in the Gillers casebook; "R" numbers refer to rules appearing in the Model Rules of Professional Conduct.

I. R. 1.1 - 1.5. Lawyer-client relationship. Gillers pp. 1-18. Sources of rules of conduct.

II. R. 1.6 -- Confidentiality; privileged communications; other facts learned in the course of the representation. Innocent Lifer (26); HIV Positive (27); All's Not Well (27); Perez (29); Slip and Fall (36); Upjohn (39); Samaritan Foundation (42); Taylor (64); Bakery Machinery (66).

III. R. 4.2 -- Communicating with another lawyer's client. Slip and Fall Redux (101); Checking References (101); Niesig (102).

IV. R. 1.7 and 1.8 -- Concurrent conflicts of interest. Lawyer Realtor (191); Neville (192); Murder One (212) ; Officer Schwarz (214); Cuyler (216); Holloway (222); Murder At the Ballgame (224); Wheat (226); Represent Us Both (241); Same Page (241); Restraint of Trade (242); Fiandaca (242); Simpson (261).

V. R. 1.9 -- Conflicts regarding former clients. Divorce and Default (281); Do I Still Owe (281); Stop the High Rise (283); Analytica (284); casebook 284-301.

VI. R. 1.10 -- Imputation of conflicts to other lawyers in a firm. You Don't Know (301); Can We Hire (302); Cromley (304).

VII. R. 3.1 to 3.7 -- Advocacy and ethics. Out Carousing (353); Nix (356); The Lecture (370); Bennett's Letter (374).

VIII. R. 4.1, 4.3, 4.4 -- Negotiations, transactions, duties to others. Bad Builder's (460); Complex Formula (462); Dead Witness (463); casebook p. 470, questions (a)-(f); text below the line on casebook p. 473; Fire Insurance (471); Hoyt (474); Virzi (477).

IX. R. 1.13 -- Representing Companies and Organizations. Casebook 485-490; I Never Worked (490); Please Find Out (491); Tekni-plex (492); Grand Jury Subpoena (498); Who's Your Client (503); casebook 506-513; Murphy (514).

X. R. 8.1 -- Bar membership and the wider world. Leis (612); Local Office, National Practice (619); Birbower (621).

XI. R. 1.1 -- Quality control and malpractice actions. Chapter XIIA -- all pages 649-672, which include: When Sally Left (653); Togstad (656); Tante (656).

XII. Texas Disciplinary Rules and Disciplinary Procedure. [Course materials for this segment will be posted on the Janicke faculty homepage.]