

Instructor: Arnold Rochvarg: Professor Emeritus, University of Baltimore School of Law; Visiting Professor, University of Houston Law Center. E mail: arochvarg@ubalt.edu Telephone: 410-608-8118

Office Hours: Room 116, Teaching Unit II, Monday and Wednesday, 11:00am to 12:15pm; 2:30pm to 3:00pm. Other times upon request and appointment.

Required Materials: (1) Ronald Rotunda, Legal Ethics in a Nutshell, 5th edition (2018), West Academic Publishing, ISBN: 978-1-64020-597-0; (2) 2019 ABA Model Rules of Professional Conduct (any print or online version of the 2019 Rules); (3) Other readings (cases and law review articles) are available online.

Course Description and Organization: This course will focus on the regulation of the legal profession and your obligations as a member of that profession. Because you will be required to pass the MPRE before being admitted to the legal profession, the major focus of the course will be on the ABA Model Rules of Professional Conduct. There is, however, more for you to know than what is contained in the ABA Model Rules for you to have an understanding of your future as a lawyer. This course therefore will also discuss issues which, although not tested on the MPRE, are essential for the ethical practice of law. We will also discuss matters of law reform.

The course will be mostly problem based. You will be expected to read the assigned Rules, the assigned pages in the Rotunda text, and to prepare answers to problems which will be provided to you at least one week prior to the class when they will be discussed. There will be some (not many) cases assigned, and you will be expected to answer questions on these cases. A few law review articles along with questions will also be assigned. The course will also (hopefully) include vigorous debate on matters on which reasonable persons can disagree.

There will be multiple choice assessments which you will be asked to complete at home, and which we will discuss in class. These assessments will be self-graded and will not count toward your final grade in this course. Serious treatment of these assessments, however, will be helpful to you in judging your understanding of the material and your readiness to take the MPRE.

Final Grade: Your final grade in this course will be based entirely on the final exam which will be a multiple choice exam similar to the MPRE.

Class Attendance and Preparation: Each student is expected to attend every class fully prepared to discuss the assigned readings, problems and questions. UHLC policy requires minimum attendance of 80% of the classes. An attendance sheet will be circulated. Arrival in the classroom at least two minutes before class begins is expected. In the event you are a few minutes late for class, please come into class, and you will be counted as present. If you are unable to attend class, there is no need to contact me as I assume you have a valid reason for missing class. It will be considered an Honor Code violation for you to sign someone as present who is not in class or to ask anyone to sign in for you when you are not present.

In-class professionalism requires full attention to the instructor and other students. Cell phones should be placed in airplane mode, and all cell phone use is prohibited during class. Laptop computers and tablets may be used during class for classroom purposes only. Please do not access email, social media or shopping websites during class. No texting during class unless expressly approved prior to class.

To encourage full discussion and questions, taping of class is prohibited. No food is permitted to be eaten in class. Drinks are permitted. Each student is expected to be familiar with the Honor Code, and to abide by it in all phases of this course.

Learning Outcomes: Knowledge of substantive law regulating the legal profession; Legal analysis and reasoning especially as it relates to statutes and regulations; Ethical problem solving involving legal and non-legal considerations; Reflection on what it means to be a member of the legal profession; Consideration of competing values involved in serving clients, the legal system, and society; Consideration of the legal profession as a business; Importance of written and oral communication with clients and third parties.

The University of Houston, when possible and in accordance with 504/ADA Guidelines, will attempt to provide reasonable academic assistance to students who request and require it. Please contact the Center for Students with Disabilities at 713-743-5400 for more information.

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.

Course Outline and Readings

1. Introduction to the Regulation of the Legal Profession: Rotunda v-viii, 1-18; MRPC Preamble, Scope, and Rule 1.0; Clark, "The Legacy of Watergate," 51 Hastings L J 573 (1999).
2. Confidentiality: Rotunda 77-136; MRPC 1.6.
3. Conflicts of Interest—Lawyer and Client: Rotunda 183-216; MRPC 1.8.
4. Conflicts of Interest—Multiple Current Clients: Rotunda 137-181; 489-494; MRPC 1.7, 6.3, 6.4.
5. Conflicts of Interest—Former Clients: Rotunda 217-228; MRPC 1.9.
6. Conflicts of Interest—Law Firm Disqualification: Rotunda 229-249; 495-496; MRPC 1.10; 6.5.
7. Conflicts of Interest—Government Lawyers and Former Judges: Rotunda 251-269; MRPC 1.11, 1.12.
8. The Attorney-Client Relationship—Formation, Responsibilities, and Termination: Rotunda 23-42; 295-296; 305-313; 325-328; 331-333; 487-488; MRPC 1.2, 1.3, 1.4, 1.14, 1.16, 2.1, 2.3, 6.2.
9. Prospective Clients: Rotunda 321-324; MRPC 1.18.
10. Organizational Clients: Rotunda 271-293; MRPC 1.13; Rochvarg, "Enron, Watergate and the Regulation of the Legal Profession," 43 Washburn L J 61 (2003).
11. The Law Business: Rotunda 315-319; 445-451; 471-475; 487-488; 531-533. MRPC 1.17, 5.4, 5.6, 6.2, 7.6. Code of Judicial Conduct 2.13.
12. Obtaining Clients: Rotunda 497-529; MRPC 7.1, 7.2, 7.3; Cases: Ohralik; Primus.
13. Fees: Rotunda 43-76; 297-304; MRPC 1.5, 5.4, 1.15. Cases: Hess; Merry-Go-Round.
14. Ethics of Advocacy: Rotunda 339-403; MPRC 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9.
15. Ethical Dealings With Third Persons: Rotunda 335-337; 405-432; MPRC 2.4, 4.1, 4.2, 4.3, 4.4.
16. Unauthorized Practice of Law: Rotunda 453-470; MRPC 5.5.
17. Law Firm Control: Rotunda 433-443; 477-485; MPRC 5.1, 5.2, 5.3, 5.7, 6.1.
18. Admission: Rotunda 535-537; MRPC 8.1. Case: AGC v. Gilbert
19. Malpractice: Rotunda 19-22; MRPC 1.1.
20. Discipline: Rotunda 541-562; MRPC 8.3, 8.4.
21. Judges: Rotunda 539-540; MRPC 8.2; Code of Judicial Conduct.
22. Choice of Law: Rotunda 563-566; MPRC 8.5.

