



## Professional Responsibility

Professor Ellen Murphy

University of Houston School of Law, Fall 2021

## Our Class

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 the lawyer (you, very soon) lives and works. In addition to a discussion of ethical concerns inherent in the practice of law, we will cover lawyer regulation, primarily under 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 increased competition (and opportunity) presented by human and non-human nonlawyers.

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 (which you started building the day you started law school).

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 and in every assignment; you should expect the same from me.

This is a synchronous online course, and you should plan to meet online during our scheduled class time. However, I find a modified-flipped class format the best for learning; this means for some topics, you will watch original instructional videos, prepared by me, in lieu of some of our in-class time together. I will share these videos via Blackboard (more info *supra*). As a three-credit course, ours must include 2100 minutes of live class or pre-recorded instructional videos from me; when the videos risk putting us over this number, I'll give you "video credits" back by dismissing class early or cancelling a class.

During our time together (Monday & Wednesday, 1:00 – 2:30 pm), we frequently will work together on problems/hypos/simulations. We also will have guest speakers during the semester. You should be prepared to engage; ours is not a passive class.

## 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.

## Required Text & Tools

You will need three "texts" for this class. There should be used copies of I and II (and you need not purchase III, as you'll see a link to get it for free), and I encourage you buy used. **Be sure, however, you get the 4<sup>th</sup> edition of the text @ I**, as substantial updates have occurred between the 3<sup>rd</sup> and 4<sup>th</sup> editions.

- I. Jefferson, Pearce, Green, Joy, Kim, Murphy. Terry, & Brown *Professional Responsibility: A Contemporary Approach*, (4th West 2020).  
ISBN: 978-1642422856

You must use may purchase a hard copy or an electronic-only version. If you purchase the hard copy edition, you will receive an e-version of your text as well (see the inside front cover). The ebook includes mini-audio lectures, as well as live hyperlinks to definitions, Rules, and additional source materials.

Both versions include access to the textbook publisher's PR Learning Library, which includes 12-month online access to 100 additional MPRE-style multiple-choice self-assessment quizzes, three leading study aids, Gilbert® Law Dictionary and an outline starter. The included study aids include Acing Professional Responsibility, Exam Pro on Professional Responsibility, Objective and Legal Ethics in a Nutshell. If you are sharing a copy of the textbook or you purchase a used book (which I encourage!) and the front-cover code is not available, you can purchase access to this Learning Library for \$35 here. **This is optional.**

- II. Knake and Murphy *Legal Ethics for the Real World: Building Skills Through Case Study* (Foundation Press 2018).  
ISBN: 9781640208919
- III. ABA Model Rules of Professional Conduct  
There is no need to purchase a rules supplement (although you may purchase a hardcopy here); you may access the Model Rules of Professional Conduct free at this ABA website.

## Blackboard Learn

I will post videos and assessments in our class site on Blackboard Learn LMS.

## Final Note

This syllabus 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, especially considering COVID-19. Please refer to your LMS for the most up-to-date course information.

## The MPRE

Professional Responsibility is not an MPRE test-prep course. You should plan to use a commercial prep course. However, we will cover *most* of the material on the test, and you will complete 100+ practice questions throughout our course. In addition, if you utilize the Learning Library discussed above, you will have access to an additional 100 practice questions. You may find information from the MPRE on [registering](#) and [preparing for the test](#).

## Zoom Rules and Attendance

We will meet each week, during the scheduled class time, in our Zoom classroom. Your camera should be turned ON throughout the entire class session. It may be turned off in exigent circumstances (for example, wi-fi issues). If you believe you have a compelling reason why your camera cannot regularly be turned on, please e-mail me to discuss. Please have your microphone muted unless you are speaking.

Class will begin at precisely 1:00pm; login early and check your audio and video settings. I find it helpful to restart my computer before starting a new class.

I recognize that some of you may be logging in to class from locations that are not always quiet, private, or distraction-free. Pets and roommates might wander across the screen, and small children might require your attention during class. I will treat these occurrences with good humor and flexibility, and I expect you to show the same to your classmates. However, I expect you to maintain professionalism throughout the course – you should present on camera as you would to your senior partner, your client, or the judge hearing your case. No eating, cooking, making French press coffee, grooming (your person or your pet), etc. If you would not do it in a virtual court, don't do it in our class. I expect regular, on-time attendance. I will be recording attendance throughout our live classes.

## Recording and Use of Recordings

**Recording our Synchronous Class Sessions.** I will record our synchronous Zoom classes. All recordings will be available for viewing only for excused absences, and only by students enrolled in the class. The recordings are not available for download. No other recording, including by students, is permitted. This means you may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without my advanced written consent. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. You may use the recordings for your own studying and notetaking; the recordings may not be shared with anyone without my prior written approval. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

You should understand that technical problems or human error may prevent successful recording. Therefore, if you are unable to make it to a particular class, please be sure to ask a fellow classmate to take notes for you. By enrollment in this course, you consent to the recording and use described above.

**Recording Tails in our Synchronous Classes.** Synchronous class recordings may include events that happen before class officially begins or after it officially ends. Please do not discuss any confidential matters during these periods of time. You are welcome to set up a time or meet with me outside of class time.

## Grading Policy

Assessment in this class is based upon participation quizzes and other weekly exercises (20%) and a final exam (80%). These weekly exercises may include discussion posts/responses; MPRE practice quizzes; reading quizzes; case studies; and other assignments. Thoughtful, well-reasoned and well-edited, professional school level work is required and is a component of your grade. This includes proper citation to rules, cases, laws, ethics opinions, etc. You should anticipate that there will be at least one participation grade assessment each week.

**Participation.** The points for participation will be based upon:

- I. Timely completion of all assignments and quizzes

2. Thoroughness of responses to the assignments and case studies
3. Participation in role plays/small group activities/other weekly activities

Please note that participation points are not based upon a curve and it is my hope every class participant will receive all allotted points. I reserve the right to raise a grade by one grade increment (ex: B to B+) for significant and consistent work that exceeds the normal expectation of the class, as determined in my sole discretion. I also reserve the right to lower a grade by one grade increment (ex: B to B-) for significant and consistent work that does not meet the normal expectation of the class. This reduction may be in addition to loss of participation and effort points, discussed above.

**Final Exam.** The final exam will be a take-home exam that I will make available for you to take during the exam period. The final exam will include multiple-choice MPRE-style questions, as well as short answer, and/or essays; it is open-book, rules, and notes. University employees and students.

## Honor Code

The UHLC Honor Code applies to all aspects of this course.

## Diversity, Inclusion, and Wellness

At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status, and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource. 713.743.2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's

strengths as a diverse and inclusive environment.” You can contact the committee directly at [UHLCD&I@uh.edu](mailto:UHLCD&I@uh.edu).

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

## **Names/Preferred Pronouns**

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, proper pronunciation, chosen names and preferred pronouns—including non-binary ones such as they|them|their|Mx.—are respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun or proper pronunciation or if you have other concerns.

## **ADA Accommodations**

UHLC is committed to ensuring that all students enjoy equal access and full participation. If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out to me so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is in room 44A TU-II in the Office of Student Services suite, and she can be reached at [sary@central.uh.edu](mailto:sary@central.uh.edu) or 713-743-7466. Requests for accommodation that involve graded assignments must be directed to Ms. Ary and should be made as soon as possible to allow adequate time to document and to process the request.

If you observe religious or cultural holidays that will coincide with synchronous class sessions or conferences, please let me know as soon as possible, so that we may make arrangements.

## **Counseling and Psychological Services (CAPS)**

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](http://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](http://www.uh.edu/caps/outreach/lets_talk.html) The Texas Lawyers’ Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can

reach TLAP at any time at 800.343.8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students.

<https://www.tlaphelps.org/law- students>.

## **Anti-Discrimination and Sexual Misconduct Policies**

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08.

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.