

Professional Responsibility Spring 2025 (Law 6321/13066)

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(he/him)

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.

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 irrespective of what you decide to do as a lawyer. 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. I look forward to learning with you and value your participation.
- 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.

3. Required Materials.

A. JEFFERSON, PEARCE, GREEN, JOY, KIM, MURPHY, TERRY, & BROWN, PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH (4th ed. 2020) (You are required to use this edition, as there have been substantial revisions from the prior edition and there is a 5th edition.)

- Hardbound, printed version of casebook: <https://www.westacademic.com/Professional-Responsibility-A-Contemporary-Approach-5> (includes access to the e-version)
- Electronic-only version of casebook: <https://www.westacademic.com/Jefferson-Professional-Responsibility-Contemporary-Approach-4-eBook-Learning-Library-9781684677757>

B. AMERICAN BAR ASS'N MODEL RULES OF PROFESSIONAL CONDUCT 2020, available online

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/. You must have access to these rules. You may access the Rules online. You are not required to purchase a print copy, but you might find it helpful to do so to be able to access the rules for the final exam. 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. I will communicate with you through my work email (dschwartz@munsch.com) when necessary out of class and send you the class PowerPoints by that email. Please be sure I have a good email address for you.

D. 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/>. <http://www.ncbex.org/exams/mpre/registration/>

E. While the casebook and Model Rules are available in electronic format, students cannot access the casebook or on line versions of the Model Rules during the final exam. The final is done with EBB Client software, which restricts internet, file, and application access, that is, EBB Client is not in "open book" mode.

4. Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

5. Mental Health and Wellness Resources.

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

6. Title IX/Sexual Misconduct Policy.

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

7. Attendance:

Sign-in. Students should attend class sessions and arrive on time. If you arrive late, out of respect for the other students and the class environment, please try to minimize the disturbance. The Law Center attendance policy requires sufficient attendance or a student risks being dropped from the class.

I will take attendance by sign-in sheet at the beginning of each class. Each student should personally sign by his or her name for that class session. It is your responsibility to insure that you have signed the roll sheet before you leave the classroom each day. Students who do not sign the role sheet are deemed to have been absent.

If you discover that you did not sign-in but attended the class, you must request permission to sign for the previous day. Except for extraordinary circumstances, corrections must be made by the very next class.

Face-to-Face. The UH registration system instruction mode for this course is Face-to-Face. After student registration in November, there may be instruction mode changes to this course, but notice of such changes will be sent to then-registered students. Instructors and students are expected to normally be physically present in the classroom. At this time, I expect a final examination will be in a classroom requiring your physical presence. I may offer “remote presence” (starting a zoom meeting from the podium computer to enable student remote access on an occasional basis) for good reason, but students should not rely on an expectation that remote presence will be available. I will also make class recordings available if a student cannot attend class for good cause.

Recording of Class. Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. 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. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with anyone without the prior written approval of the instructor. 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.

Use of Computers and Electronics. Out of respect for other students and the class environment, during class sessions computers are to be used only for note taking or access to the casebook or Model Rules of Professional Conduct. This prohibits computer use for Internet surfing, chat rooms, e-mail, or other uses not related to note taking for class. I reserve the right to treat violations of this policy as either a lack of preparation, a constructive lack of attendance, or, in appropriate circumstances, as a disruption of the class. In addition, during class please disable the speaker on your computer and refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates. Also, please ensure that all other noise making electronics, such as watches, cell phones, pagers, etc., are in a silent mode or powered off.

8. Syllabus Changes

Please note that I may need to make modifications to the course syllabus based upon outside work demands. Notice of such changes will be announced as quickly as possible through email and in-class announcements.

9. **Class Policies**

Class Attendance. This is a class in your responsibilities as a professional. I expect you to fulfill those responsibilities by attending class. As noted in the student handbook, [link](#) (page 5), the Law Center has a minimum 80% attendance policy for students. The ABA standards say that the Law Center must have a policy. The 80% threshold is that policy. Student's nonadherence will be reported to the Office of Student Affairs (OSA).

Class Preparation and Participation. Preparation for each class is one of your responsibilities. Students are to prepare for each class by reading the entire assignment for the day before attending class. I plan for us to cover the assigned reading per class period. However, there will be days when it may take us more or less than one class period to cover an assignment. You are responsible for keeping track of what assignment number we are on throughout the semester. I will do my best to tell the class if I think we will not reach or complete the next day's assignment. If you miss a class meeting, it is your responsibility to check with a classmate to determine whether the class finished the entire assignment on the day you missed.

You should participate in class discussions. To provide incentives for participation, I will award grade increases described below. I will call on students to volunteer to discuss the case materials. If no one volunteers, I will call on persons randomly.

Grading. Your grade is principally based upon the final examination. I may raise or lower grades one level on the basis of class participation (e.g. from a B to a B+ or to a B-). Grade increases may be given to students who consistently demonstrate mastery of the material and thoughtful insights, and regularly participate. Grade decreases may be given to students who are consistently unprepared and do not regularly participate. I prefer that students volunteer participation and I will call upon you in class.

10. **Chosen Names and Preferred Pronouns**

I want to address each of you in a manner that corresponds to your identity. I will most often address students by their first names. Recognizing that mistakes may unfortunately happen, chosen names and preferred pronouns—including non-binary ones such as they/them/their—will be respected in our 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 if you have concerns about how I or your classmates address you.

11. **Artificial Intelligence**

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what

are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.

The following activities are exceptions to the immediately preceding paragraph; the intent of these exceptions is to allow use of AI Generated Text for specifically and narrowly defined activities in relation to this course:

- “conversing” with the AI Generated Text software system to create hypotheticals to better understand course content, alone or with others; or
- checking text drafted by you for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things.

12. Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

13. Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with

you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

14. Review Sessions

There will be two review sessions. Please see the syllabus.

15. Office Hours

My preference is to meet with you by Zoom or telephone. I will schedule an in-person meeting by appointment.

16. Final Exam

The Final Exam will be multiple choice. Most of the questions will be taken from the casebook, verbatim. You are allowed to use the Model Rules for the test, but may not use the casebook, class PowerPoint slides, or written materials.

READING ASSIGNMENTS AND WEEKLY ACTIVITIES **(subject to change)**

- 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.

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

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

January 13

- Class Introduction. Read Chapter 1: pages 1-18.

January 15

- Chapter 2: Units I & II Defining the Practice of Law: read pages 19-61 plus Model Rules 5.3, 5.4, 5.5 5.7 and 8.5.

January 20 – Martin Luther King Day Holiday

January 22

- Chapter 2: Units III & IV Creating and Ending the Lawyer-Client Relationship: read pages 61-88 plus Model Rule 1.2, 1.16, 3.1, 6.2.

January 27

- Chapter 2: Unit V The Duty of Competence: read pages 88 to 117 plus Model Rule 1.1, 1.2, 1.3, 1.4, 1.18, 1.8, 5.1, 5.3, 8.4, 8.5 and 6th Amendment

January 29

- Chapter 2: Unit VI Principles that Govern the Relationship Between Lawyers and Clients: read pages 117 to 143 plus Model Rules 1.2, 1.14, 1.16 and 2.1

February 3 GUEST SPEAKER

- Civility Matters

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:

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

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

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

February 5

- Chapter 3: Units I and II Finding Clients: 145 to 189 plus Model Rules 1.1, 7.1, 7.2, 7.3, 7.4 and 7.5

February 10

- Chapter 3: Unit III Fees and Billing: read pages 189 to 229 plus Model Rule 1.4, 1.5, 1.8, 1.15, 2.1, 7.1 and Restatement §§ 18, 35
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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

February 12

- Chapter 4: Units I-III Attorney Client Privilege: read pages 231 to 270 and Model Rules 1.6, 1.13, 4.4, Restatement §§ 68, 69, 71, 73, and FRE 501-502

February 17

- Chapter 4: Unit III and IV: Waiver of Attorney Client Privilege, Crime Fraud Exception, The Basics of the Duty of Confidentiality Under 1.6: read pages 270 to 309 plus Model Rule 1.6, 1.1, 1.9, 1.18

February 19

- Ethics Jeopardy

February 24

- Review

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 ^[L]_[SEP]
- 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

February 26

- Chapter 5: Units I and II Simultaneous Representations of Multiple Clients: read pages 311 to 341 plus Model Rule 1.7, 1.8, Restatement §14

March 3

- Chapter 5: Unit III Conflicts Between Client's Interests and Personal or Financial Interests of the Lawyer and Unit IV Lawyer Advocate as Witness and Unit V Representation Adverse to a Former Client: read pages 342 to 362 plus Model Rules 1.8, 1.9, 1.11 and 3.7

March 5

- Chapter 5: Unit VI Lawyers as Third Party Neutrals, Unit VII Vicarious Disqualification, Unit VIII Conflicts of Interest in Criminal Cases: read pages 362 to 380, plus Model Rules 1.10, 1.12 and 2.4

Spring Break March 10 – March 14

Chapter 6: The Lawyer's Duties to the Legal System, the Profession, and Non-clients

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
- 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

March 17

- Chapter 6: Units I Duties to the Court and Other Tribunals: read pages 381 to -406 plus Model Rules 3.1, 3.3, 3.4, 3.5, 8.4 Restatement §§ 113, 117

March 19

- Chapter 6: Unit I Duties to the Court and Other Tribunals: read pages 406 to 441 plus Model Rules 3.5, 3.6, 8.2

March 24

- Chapter 6: Unit II Duties to Opposing Parties and Third Parties, Unit III Duties Regarding the Law and the Legal Profession: read pages 442 to 471, plus Model Rules 1.2, 1.6, 1.13, 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.6, 8.3, Hazard Test, Restatement § 56

March 26

- MPRE Problems in Legal Ethics (material to be handed out).

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

March 31

- Unit I Ethical Standards for Prosecutors: read pages 473 to 518 and Model Rule 3.8. Guest Speaker.

April 2

- Unit II Ethical Standards for Judges: read pages 518 to 551 and CJC Rules 1.2, 1.3, 2.4, 2.7, 2.8, 2.9, 2.10, 2.11, 3.1, 3.6, 3.7, 3.9, 3.12, 3.13, 3.14. Guest Speaker.

April 7

- Ethics Jeopardy.

Chapter 8 —What is the Proper Role of a Lawyer? Learning Outcomes

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

- Describe the arguments for and against alternative lawyering models grounded in moral responsibility, feminism, religion, racial justice, LGBTQ rights, and civic responsibility.

April 9

- Unit III. Read 604 to 626 and additional handouts on Trust Accounts, Pro Bono, Gender Equality.

April 14

- Ethics of Settlement Presentation

April 16

- MPRE Problems in Legal Ethics (material to be handed out).

April 21

- Guest Speaker – Texas Lawyers’ Assistance Program Paul Jacobs**

April 23 (Last class)

- Exam Review. **Submit questions about the exam by midnight April 18**

EXAM PERIOD April 30– MAY 8