Professional Responsibility Spring 2025

Instructor

Judge Jeremy E. Warren

Location

LAW 220 (face-to-face)

Email

judgewarren3@gmail.com

Days and Time

Friday 9a-12p

Office Hours

TBD/after class or email for an appointment - Room 340F/340D

Course Description – course #6321/25312

Welcome to one of the most important classes you will take in law school. More than any other class you will take, this course is about you and your future (plus it is required). 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 will be taught primarily through the hypotheticals and cases found in the casebook. The hypotheticals are in the form of multiple-choice questions, which conform to the style of the Multistate Professional Responsibility Exam (MPRE). Our class discussions will include topics such as what the ABA Model Rules of Professional Conduct require, state variations that are common, the wisdom of various policy choices, how the rules might apply to a hypothetical fact pattern, the pressures that might cause a lawyer to ignore regulatory rules, and the steps that you or others might take to better serve clients and to minimize the chance of a regulatory violation. Although we will study some additional materials, the ABA Model Rules of Professional Conduct will be the primary source of regulation covered in this course. *This syllabus is a general outline for the course and is subject to change; any changes will be given with proper notice.

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

JEFFERSON, PEARCE, GREEN, JOY, KIM, MURPHY, TERRY, & BROWN, PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH (West Academic 5th ed. 2023) ("PRACA")

ABA Model Rules of Professional Conduct (free online) (All states have adopted rules of professional conduct that are based on the ABA Model Rules.):

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/

Please note that when the ABA Model Rules of Professional Conduct are referenced as part of an assignment, you are responsible for looking up and reading the entire Rule as well as the corresponding Comments.

Additional reading materials will be furnished from *Lawyers Crossing Lines* by James L. Kelley

Attendance

UHLC has a minimum 80% attendance policy for students. Any student who attends fewer than the minimum percentage of class sessions may be dropped automatically from the course or receive a failing grade. Instructors are free to impose stricter attendance standards. Instructors may consider those who come in late or leave early as absent or may decline to let a late student attend that day. Instructors use different methods to account for attendance. These include before-class roll calls, use of a seating chart, or requiring students to make an honor system certification at the end of the course. Any and/or all of these may be used for this class. This class has 14 sessions; therefore, you must attend 11 per UHLC policy. Consequences of nonattendance can be notification to the Office of Student Affairs (OSA). Accommodations will be made for military service, observation of religious holy days, medical illness, disability, death of a family member, legal or government proceeding, recognized professional and educational activities, and University sponsored competitions. Please notify me in advance, if possible.

Assessment - grading

Assessment in this class is based upon attendance and daily *participation* (25%), one *short essay* (25%), and the *final exam* (50%). 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. Your assessment work product must be exclusively your own, with help from no other person or technological system; no artificial intelligence systems may be a part of your process to generate assessment work product. *Participation* points

will be based upon: (1) timely attendance and preparedness for the day's covered material, (2) thoroughness and thoughtfulness of responses to the hypothetical questions and case studies from the casebook; (3) participation in other class activities. Please note that participation points are not based upon a curve and it is my hope every class participant will receive all of the allotted points. I reserve the right to raise or lower a grade by one grade increment (ex: B+ to A-, or B to B-) for significant and consistent work that either exceeds the normal expectation of the class or that falls below all expectation such as nonattendance, unpreparedness, or lack of participation when called upon; as determined in my sole discretion. The *short essay* will be a topic chosen by me mid-semester, a take home assignment with one week to complete, at least one typed page in length (further details provided later). The *final exam* will be a multiple-choice exam similar to the MPRE (scheduled for Friday, May 2, 2025, at 9:00 am). Participation, essays, and exams will not be anonymous.

Course Schedule (begins Friday, January 17, 2025) (Make up days TBD)

Week	**Subject**	**Required reading**
Week 1	Introduction, Chapter 1 and 9 Texas Bar Journal (civility article)	Ch. 1, Pages 1-23 / Ch. 9 Pages 668-678
Week 2	Chapter 2 "How to be a lawyer"	Pages 25-101
Week 3	Chapter 2, *LCL* Chapter 1	Pages 102-151
Week 4	Chapter 3 "How to get paid"	Pages 153-211
Week 5	Chapters 3, 4, *LCL* Chapter 8	Pages 221-257
Week 6	Chapter 4 "What not to say"	Pages 258-335
Week 7	Chapter 5 "What conflict?"	Pages 337-408
Week 8	Chapter 6 "Your duty", *LCL* Chapter 3	Pages 409-460
Week 9	Chapters 6	Pages 461-508
Week 10	Chapter 7 "Yes, Your Honor", *LCL* Chapter 7	Pages 509-599
Week 11	Chapter 8 "What kind of lawyer are you?"	Pages 601-661
Week 12	Chapter 9 "You are special", *LCL* Chapter 2	Pages 663-701 (except above)
Week 13	Chapter 9, *LCL* Chapter 9	Pages 701-737
Week 14	Practice Test & Final Review	Make up reading (if needed)

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. You must register for the test, pay the fee, take the test, and pass. 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 https://www.ncbex.org/exams/mpre/registering-mpre

Additional Information

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.

Accessibility and Accommodations: 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/ or calling (713) 743-5400, or emailing jdcenter@central.uh.edu.

Anti-Discrimination and Sexual Misconduct Policies: UHLC and the University of Houston 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/.

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.

AI Generated Text: 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 that 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 humanmimicking "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 this 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 participation, essay, and final exam. 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" essay or final examination unless specified as an exception. 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.

Recording of class: students may not record any, all, or part of class; livestream any, 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 may result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.