



Texas Southern University

# Thurgood Marshall School of Law

FALL 2021

**ENSURE THAT YOU ARE REGISTERED IN THIS CLASS THIS SEMESTER.**

**SIGN-UP FOR THIS CLASS ON TWEN.**

**PROFESSIONAL RESPONSIBILITY - Law 620-1 – 2 Credit Hours**

## **Concealed Handgun Policy**

### **The Texas Firearm Carry Act of 2021**

The new Texas law applies to both *open carry* in a holster and *concealed carry*, where no part of the firearm is visible. Texas law is quite specific in that an openly carried handgun must be kept in a holster. According to Texas Penal Code § 46.02(a-5), it is illegal to carry a handgun and intentionally display it in plain view of another person in a public place, unless the handgun is partially or wholly visible (openly carried) and is carried in a holster.

#### **TYPES OF CARRY**

**Permitless carry:** Permitless carry means that a permit is not required to carry a concealed handgun.

**Open carry:** Open carry means carrying a gun in public, where other individuals besides the carrier can see it either partially or in full view.

**Concealed carry:** Concealed carry is the practice of carrying a concealed weapon on one's person in public. A concealed firearm can be carried on a person's body — typically in a holster — or off-body in a purse, backpack or other specialized concealment accessory or garment.

## **Texas Permitless Carry Law Prohibitions**

**Permitless Carry is Prohibited by certain persons and in specific locations. See Texas Penal Code § 30.05 or § 46.03. One of those excluded locations is:**

■ **On the premises of an institution of higher education, any grounds or building on which a school-sponsored activity is being conducted, or where a passenger transportation vehicle of an institution of higher education is used.**

**PR FALL 2021 SEE READING AND LESSON-LINK ASSIGNMENTS/DUE DATES TO BE DISTRIBUTED**



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## Concealed Handgun Policy For This Class

If you have a concealed firearm the State of Texas has passed legislation permitting you to carry a concealed firearm on campus, subject to the rules and regulations of Texas Southern University's Campus Carry Policy. Under TSU's Campus Carry Policy, *I can elect to designate my office as a gun-free zone. **I Elected To Make My Office A GUN FREE ZONE.***

Pursuant to Section 30.06, Penal Code (trespass by a holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), *may not enter this property with a concealed handgun.*

For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit the Texas Southern University website at <https://www.tsu.edu>

*Note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution, but also suspension or expulsion from school.*



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## INTRODUCTION

<b>NAME</b>	Marguerite L. Butler
<b>TELEPHONE</b>	713-313-1010
<b>EMAIL</b>	USE THE EMAIL ON <b>TWEN</b>
<b>OFFICE LOCATION</b>	Room 243
<b>OFFICE HOURS</b>	<p><b>1 - 1:45 pm b/4 class</b>  <b>3:00 pm - aft class</b></p> <p style="text-align: center;"><b>AND BY APPOINTMENT</b></p>
<p><b>CLASS DAYS AND TIMES</b></p> <p>1. REGULARLY SCHEDULED CLASSES MEET in the TMSL classroom 203 or ON zoom as a back-up <b>ON Tues &amp; Thurs ROOM 203 FROM 2 – 2:50 PM</b></p> <p>2. <b>OFFICE HOURS MEET ON ZOOM</b>; I WILL EMAIL THE ZOOM LINK ON TWEN.</p> <p>3. YOU MAY ONLY SUBMIT <b>AN ASSIGNMENT IN A TWEN DROP BOX.</b></p>	<p>4. SIGN UP ON TWEN TO RECEIVE ALL CLASS ANNOUNCEMENTS AND ASSIGNMENTS INCLUDING CHANGES IN ASSIGNMENTS OR SCHEDULING DURING THE SEMESTER.</p> <p>5. REVIEW ALL TWEN EMAILS THAT I SEND DURING THE SEMESTER AND I SUGGEST THAT YOU CALENDAR ANY ASSIGNMENT ON YOUR SMART PHONE.</p>
<p><b>ATTENDANCE AND CLASS ASSESSMENT YOUR GRADE IS BASED ON THE FOLLOWING CRITERIA:</b></p> <p>A. <b>ATTENDANCE is taken by SIGNATURE ON THE SIGN-IN SHEET BEFORE CLASS BEGINS.</b></p> <p>B. <b>MID-TERM EXAM – 1 Hour ESSAY: TBA during midterm week; Exam held ON BLACKBOARD during class.</b></p> <p>C. <b>FINAL EXAMINATION DECEMBER 1, 2021 AT 2 PM during the LS exam period –</b></p> <p>1. <b>IT IS A 60 QUESTION COMPREHENSIVE MULTIPLE CHOICE EXAM.</b></p> <p>2. <b>I WILL ADMINISTER THE EXAM ON BLACKBOARD IN THE EXAM CLASSROOM.</b></p>	<p>D. <b>ASSIGNMENTS: FOLLOW THE READING LIST DISTRIBUTED FOR THE SEMESTER. TBD</b></p> <p>E. <b>COMPLETE CALI LESSONS ON LESSON LINK ONLY. A PROPERLY COMPLETED.</b></p> <p>1. <b>ASSIGNMENT ADDS 3 POINTS TO YOUR FINAL GRADE.</b></p> <p>2. <b>A PROPERLY COMPLETED ASSIGNMENT MUST RECEIVE A GRADE OF 75% OR MORE ON EACH LESSON BASED ON THE TOTAL POSSIBLE POINTS;</b></p> <p>3. <b>TO EARN THESE POINTS AND YOU MUST ALSO SUBSTANTIALLY ATTEMPT THE ASSIGNMENT ON OR BEFORE THE ASSIGNMENT DUE DATE.</b></p>
<p><b>Prepare ALL ASSIGNMENTS TO PRESENT IN EACH CLASS.</b></p> <p><b>I RESERVE THE RIGHT TO ASK YOU TO LEAVE CLASS IF YOU ARE NOT PREPARED.</b></p>	<p><b>Bring your textbook and Rulebook with you to EVERY CLASS.</b></p>



## **COURSE BOOKS & MATERIALS**

### **REQUIRED TEXTBOOKS:**

#### ***Ethical Problems in the Practice of Law Concise 4th ed.***

**Author:** Lerman, Schrag

**Edition:** latest (4<sup>TH</sup> ED)

**Publisher:** Wolters Kluwer Law and Business in New York

**Required:** Yes

**ISBN:** 978-145489-1284

#### ***Compendium of Professional Responsibility Rules and Standards (paperback)***

**Author:** Center for Professional Responsibility  
Publications Board

**Edition:** Latest edition

**Publisher:** ABA

**Required:** Yes

## **COURSE DESCRIPTION & OBJECTIVE**

### **Description:**

1. This two-hour survey course is designed to introduce you to the basic professional responsibility conduct concepts for lawyers and the lawyer's relationship to clients and non-client alike.
2. **You must supplement this class study with additional in depth study to prepare for the NCBE multistate professional responsibility exam.**
3. Preamble 1 to the American Bar Association's Model Rules of Professional Conduct provides that  
"A lawyer, as a member of the legal profession, is



- (1) a representative of clients,
- (2) an officer of the legal system and
- (3) a public citizen having special responsibility for the quality of justice."

**C. The Model Rules of Professional Conduct cover the following:**

- (1) Maintaining the integrity of the legal profession;
- (2) Client lawyer relationship;
- (3) Lawyer behavior in litigation and other forms of advocacy;
- (4) Transactions and communications with non-clients;
- (5) The different roles of a lawyer;
- (6) Information about legal services offered;
- (7) The lawyer's duty to the public and the profession;  
and
- (8) Judicial conduct.

**D. The Model Rules also includes the Model Judicial Code**  
that applies to judges and judicial candidates and the  
ethical standards that applies to judges.

## **Objective: STUDENT LEARNING OBJECTIVES**

**A student who completes this course is expected to have the skills to:**

- (1) Correctly apply the ABA Model Rules of Professional Conduct to AND resolve a range of ethical dilemmas that lawyers and judges face;
- (2) Discuss the process for making and enforcing these rules of ethics;
- (3) Identify legal strategies for applying the rules to regulate professional and personal conduct within our judicial system, and
- (4) Describe the duties and obligations that attorneys have to the various constituencies of the legal profession including the client, the legal profession and society.



## CLASS ASSESSMENT (GRADING)

**COURSE GRADE:** You will earn your grade in the following ways:

1. **Mid-Term Examination** ESSAY: WORTH 40% (100 points) OF YOUR FINAL GRADE
2. **Final Examination** MULTIPLE CHOICE: WORTH 60% (100 points) OF YOUR FINAL GRADE
3. **Assignments, Unannounced Quizzes, CALI lessons completed on Lesson Link & Class participation awarded at professor's discretion MAX 3 points EACH and these are added to your exam scores to determine the final score and grade. THESE POINTS ARE ADDED TO THE EXAMINATION TOTAL.**
4. **In Order To Earn The Highest Possible Grade In This Class, A Student Must Demonstrate THAT THEY HAVE MASTERED THIS Subject BY EARNING 80% Or Above On EACH Exam and ALL Assignments.**

### 5. FINAL GRADING CURVE:

This class *IS* subject to the 2L grade curve for required courses. The class FINAL grades FOR THE CLASS must range between 2.5 and 2.75

### 6. CLASS PARTICIPATION:

- a. **These are points that I will deduct from your final score:** The importance of being present in class and preparing for class discussion cannot be overstated. Mandatory attendance is already required in the student manual. **According to the student manual, points can be deducted from your final score to assess your final grade in this class.**
- b. After you exceed the permitted absences, **I will deduct (.5) points** from your FINAL grade for each absence that exceeds the permitted number of absences for a two hour course.
- c. **Assignments and Discussions:** Periodically, throughout the semester, I could assign each student both individual and small group assignments, which could include, for example: in-class]or home completion of textbook problems that require you to apply the Model Rules of Professional Responsibility, a state legal malpractice statute and/or civil procedure, criminal and/or administrative agency rules for lawyers. The assignments could also concern the civility expected of lawyers.

## CLASS EXPECTATIONS: All Students Must

1. Conduct themselves with civility in and out of the classroom based upon the Texas Rules of Lawyer Civility.
2. Read and Analyze All Assigned Reading, especially any MRPC statutory provisions found in the 2017 Compendium of Professional Responsibility.
3. Prepare to Discuss Each Day's Topic and Apply Your Knowledge about the Applicable Rules of Professional Conduct to current topics, problems, real life situations and hypotheticals.
4. Master Each Professional Conduct Topic by studying for this class for At Least FOUR (4) Hours Each Week, In Addition To the Time you spend In Class.
5. **In Order To Earn The Highest Possible Grade In This Class, A Student Must Demonstrate Mastery Of This Subject By Performing An Average Of 80% Or Above On The Two Exams and on ALL Assignments.**
6. *The reading assignments for each class this semester are found on the **READING AND DUE DATE SCHEDULE** TBA on TWEN on the Syllabus tab.*
7. **Use this READING ASSIGNMENT SCHEDULE TO PREPARE FOR EVERY REGULARLY SCHEDULED CLASS.**
8. **IF MAJOR CHANGES OCCUR IN THE READING SCHEDULE, I WILL ANNOUNCE THOSE CHANGES IN CLASS AND ON TWEN.**





## ACCOMODATIONS, ATTENDANCE & PROFESSIONALISM

<b>1. GENERALLY</b>	
<b>a. Special Accommodations</b>	Please see the Texas Southern University TMSL Accommodations policy located at this link: <a href="http://www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf">//www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf</a>
<b>b. Final Examination</b>	See Law School final examination schedule.
<b>2. Class Attendance</b>	See the Texas Southern University TMSL Accommodations policy located at this link: <a href="http://www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf">//www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf</a>
<b>a. Attendance Taken</b>	Daily – YOU MUST SIGN IN ATTENDANCE SHEET BEFORE CLASS BEGINS.
<b>b. Tardiness</b>	See the Texas Southern University TMSL policy located at this link: <a href="http://www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf">//www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf</a>
<b>c. Allowable number</b>	Please see the Texas Southern University TMSL Accommodations policy located at this link: <a href="http://www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf">//www.tsulaw.edu/academics/student_affairs/2018-2019_Rules_and_Regulations.pdf</a>
<b>3. Class Etiquette</b>	
<b>a. Cell phones</b>	I ask you for directed and committed concentration during the classroom component. Please do not use cell phones during class except to use to access this class on-line. This no use policy includes , but is no limited to, MP3ing, texting, talking; videotaping; U-tubing; tweeting face booking, internet searching, etc.
<b>b. Tablets/Smart Phones/ c. MP3</b>	You must have a device to access this on-line class. Your device must have a camera and the camera must be used in the class when asked or required.
<b>d. Professional Decorum</b>	The classroom is the places where positive information is defined discussed, effectuated and shared with the world. Please act in a manner for every interaction in class that brings dignity to you, your family and the legal profession. As for Dress, if you would not wear it to court or work in a legal setting <u>do not</u> wear it to class. You should be groomed in class.
<b>e. Yielding the floor</b>	As in the courtroom or a professional work environment, if a colleague, professor, judicial officer or speaker is engaged in presentation or inquiry, please yield the “floor” until you can intervene without disruption.





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**ABOUT THE MPRE** <http://www.ncbex.org/multistate-tests/mpre/mpre-faqs/description0/>

"The MPRE is based on the law governing the conduct of lawyers and judges, including the disciplinary rules of professional conduct currently articulated in the

1. *(ABA) Model Rules of Professional Conduct,*
2. *the ABA Model Code of Judicial Conduct, and*
3. *Controlling constitutional decisions, and*
4. *Generally accepted principles established in leading federal and state cases and in*
5. *Procedural and evidentiary rules."* Emphasis added
6. "Test questions concern the discipline of lawyers and judges by state disciplinary authorities and questions designed to measure your understanding of the generally accepted rules, principles, and common law that regulates the legal profession in the United States.
7. **Correct answers are governed by the current ABA Model Rules of Professional Conduct (MRPC) and Judicial Conduct (MRJC) that reflect the majority of cases, statutes, or regulations on the subject.**
8. **To the extent that questions of professional responsibility arise in the context of procedural or evidentiary issues, such as the availability of sanctions or the scope of the attorney-client evidentiary privilege, the Federal Rules of Civil Procedure and the Federal Rules of Evidence will apply, unless otherwise stated."**

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## THURGOOD MARSHALL SCHOOL OF LAW

### TEXAS SOUTHERN UNIVERSITY ACADEMIC CALENDAR

#### FALL SEMESTER 2021 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 9-13, 2021
First Day of Class	Monday	August 16, 2021
Last Day to ADD/DROP	Wednesday	August 18, 2021
Labor Day (NO CLASSES)	Monday	September 6, 2021
Purge of all unpaid course selections	Wednesday	September 15, 2021
Mid Term Examinations	Mon – Fri	October 11-15, 2021
Last Day to Drop a Class	Friday	November 5, 2021
Last Day of Classes	Tuesday	November 23, 2021
First Year Professors' Grades due	Tuesday	November 23, 2021
Reading Period	Wed	November 24, 2021
Thanksgiving Holiday	Thurs – Fri	November 25-26, 2021
Reading Period	Sat- Sun	November 27-28, 2021
Final Examinations	Monday - Friday	Nov. 29-Dec. 10, 2021
Commencement Exercises	Saturday	December 11, 2021

PR FALL 2021 **SEE READING AND LESSON-LINK ASSIGNMENTS/DUE DATES TO BE DISTRIBUTED**