

PROFESSIONAL RESPONSIBILITY  
SECTION 4  
SPRING 2018

PROFESSOR BRENETTA A. SCOTT

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## THE PROFESSOR

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**OFFICE HOURS:** TBA  
(All other times by appointment only)

### Class Meeting Times

This class meets on Monday and Wednesday from 5:00-5:50 p.m. in Room 208.

### **NOTE FROM THE PROFESSOR:**

Welcome! I look forward to working with you this semester. Before beginning Professional Responsibility, I want to remind you of the course's overall goals and how it will attempt to achieve those goals. Knowing the course's goals and methodology will help you understand the purpose behind the assignments you will receive during this semester.

As future attorneys, you all will be held to a higher ethical standard than many of those who choose other professions. Before going any further, please read the Texas Oath of Attorney below. Those of you who plan to practice in Texas will recite this oath at your swearing in ceremony.

### **Texas Oath of Attorney**

(a) Each person admitted to practice law shall, before receiving a license, take an oath that the person will:

- (1) support the constitutions of the United States and this state;
- (2) honestly demean himself in the practice of law; and
- (3) discharge the attorney's duty to the attorney's client to the best of the attorney's ability; and
- (4) conduct oneself with integrity and civility in dealing and communicating with the court and all parties.

(b) The oath shall be endorsed on the license, subscribed by the person taking the oath, and attested by the officer administering the oath.

Tex. Gov't Code § 82.037.

## COURSE BOOKS & MATERIALS

The required textbooks for this course will be available in the Texas Southern University Bookstore and online and they are as follows:

- (1) Capra, Green, Knake, Pearce & Terry, Professional Responsibility: A Contemporary Approach, 3<sup>rd</sup> Edition  
ISBN: 978-1-63460-016-3
- (2) Book or free electronic access to the American Bar Association (ABA) Model Rules of Professional Conduct (2017 Edition)  
ISBN: 978-1-63425-835-7

Please see the link below for free access to the model rules on the ABA website:

[http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html).

- (3) Free electronic access to the ABA Model Code of Judicial Conduct (2011 Edition), which can be found here: [http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_code\\_of\\_judicial\\_conduct.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html). Or, you can opt to purchase the book at the following link: <http://shop.americanbar.org/eBus/Store/ProductDetails.aspx?productId=213341>.
- (4) Free electronic access to the ABA Standards for Criminal Justice: Prosecution Function and Defense Standards (1993, 3rd Edition), which can be accessed here: [http://www.americanbar.org/groups/criminal\\_justice/standards/prosecution\\_function\\_standards.html](http://www.americanbar.org/groups/criminal_justice/standards/prosecution_function_standards.html).

Please bookmark all of the sites on which the texts and resources listed above can be found (for easy access). Whether in hard copy or e-book format, bring the required texts to class or make sure you have electronic access to the texts. As mentioned, the required Professional Responsibility textbook (above) is available at the Texas Southern University's Bookstore in the Student Life Center. You may also choose to purchase the e-book version of the text from <http://interactivecasebook.com>. Additionally, competitive online pricing for the textbook can be found at the link provided below the textbook title. If you have not done so already, you should purchase the text right away, as we will begin to use it immediately.

The required Professional Responsibility textbook for this course includes numerous questions and examples that will really help you to understand and easily recall the rules of professional responsibility. We will generally cover these questions in class, as we discuss the related material. You will need to have the required texts in class (or access to them) to fully participate. In addition, at the beginning of each chapter of the textbook, there is a reference chart to help guide your study. The chart includes an outline of the topics addressed in each chapter, the rules that correspond with each topic, and a reference to the targeted questions to test your knowledge of each concept.

**Please also be sure to sign up for the TWEN page**, as additional course materials will be posted to the TWEN page throughout the semester.

The highly recommended resources for this course are:

- (1) Leah Christensen, The Weekend MPRE: Complete Preparation for the MPRE in Only a Weekend's Time, 1<sup>st</sup> Edition  
ISBN: 978-163460-444-4
- (2) Cali Lessons: Professional Responsibility  
<http://www.cali.org/category/21-31-upper-level-lesson-topics/professional-responsibility>
- (3) Free MPRE review courses with multiple-choice topical questions are provided here:

<http://www.barbri.com/more-resources/>  
<http://www.kaptest.com/bar-exam/courses/mpre-online-course>

Please do your best to take advantage of all the resources provided, as they will not only thoroughly prepare you for success in this course, but ultimately for success on the Multistate Professional Responsibility Exam (“MPRE”).

## COURSE DESCRIPTION & OBJECTIVES

### DESCRIPTION:

The primary goal of this course is to prepare you for the ethical practice of law. Although you may be inclined to use your moral compass to make important ethical decisions during your legal career, it is important to understand that many of the rules of ethics are counterintuitive. Additionally, a violation of a number of the rules can jeopardize the very law license you are working so hard to obtain. For this reason, this class is one of the most important classes you will take in your legal career.

### OBJECTIVES:

Upon completion of this course, students will be able to:

- (1) Identify ethical issues as they arise in practice.
- (2) Engage in critical analysis of the ABA Model Rules and compare them to state rules when applicable.
- (3) Correctly apply the Model Rules to MPRE-like questions to solve ethical dilemmas that members of the judiciary often face.
- (4) Explain the various duties that lawyers and judges have to the profession, clients, each other, and third parties.

Ultimately, your knowledge of the rules of professional responsibility will be tested on the Multistate Professional Responsibility Exam (“MPRE”). The MPRE is a national exam, administered three times per year, the purpose of which is to measure your knowledge and understanding of established standards related to rules of professional conduct governing this profession. You must receive a passing score on the MPRE before being admitted to practice law in all but three jurisdictions (Maryland, Wisconsin, and Puerto Rico). What constitutes a passing score varies depending on the jurisdiction. In Texas, a passing score is 85. The actual exam consists of 60 multiple-choice questions. Of those 60 questions, only 50 of them are graded; the remaining 10 are unscored “test” questions.

Given the importance of the MPRE, you are expected to take responsibility for your individual preparation. Again, there are a great deal of *free* resources available to you to prepare you for this exam. Take advantage of them!

Below is the subject matter outline for the MPRE, which will give you an idea of the course subject matter:

- |                                                                  |                                                                  |
|------------------------------------------------------------------|------------------------------------------------------------------|
| <b>I. Regulation of the Legal Profession (6-12%)</b>             | <b>E. Unauthorized Practice of Law—by Lawyers and Nonlawyers</b> |
| A. Powers of courts and other bodies to regulate lawyers         |                                                                  |
| B. Admission to the Profession                                   |                                                                  |
| C. Regulation after Admission—Lawyer Discipline                  | <b>F. Multijurisdictional Practice</b>                           |
| D. Mandatory and Permissive Reporting of Professional Misconduct | <b>G. Fee Division with a Non-Lawyer</b>                         |
|                                                                  | <b>H. Law Firm and Other Forms of Practice</b>                   |

- I. Responsibilities of Partners, Managers, Supervisory and Subordinate Lawyers
- J. Restrictions on Right to Practice

- E. Impartiality and Decorum of the Tribunal
- F. Trial Publicity
- G. Lawyer as Witness

**II. The Client-Lawyer Relationship (10-16%)**

- A. Formation of the Client-Lawyer Relationship
- B. Scope, Objective, and Means of the Representation
- C. Decision-making Authority—Actual and Apparent
- D. Counsel and Assistance with the Bounds of the Law
- E. Termination of the Client-Lawyer Relationship
- F. Client-Lawyer Contracts
- G. Communications with the Client
- H. Fees

**III. Client Confidentiality (6-12%)**

- A. Attorney-Client Privilege
- B. Work-Product Doctrine
- C. Professional Obligation of Confidentiality—General Rule
- D. Disclosures Expressly or Impliedly Authorized by Client
- E. Other Exceptions to the Confidentiality Rule

**IV. Conflicts of Interest (12-18%)**

- A. Current Client Conflicts—Multiple Clients and Joint Representation
- B. Current Client Conflicts—Lawyer's Personal Interest or Duties
- C. Former Client Conflicts
- D. Prospective Clients
- E. Imputed Clients
- F. Acquiring and Interest in Litigation
- G. Business Transactions with Clients
- H. Third-Party Compensation and Influence
- I. Lawyers Currently or Formerly in Government Service
- J. Former Judge, Arbitrator, Mediator, or Other Third-Party Neutral

**V. Competence, Legal Malpractice, and Other Civil Liability (6-12%)**

- A. Maintaining Competence
- B. Competence Necessary to Undertake Representation
- C. Exercising Diligence and Care
- D. Civil Liability to non-clients
- E. Civil Liability to Client, Including Malpractice
- F. Limiting Liability for Malpractice
- G. Malpractice Insurance and Risk Prevention

**VI. Litigation and Other Forms of Advocacy (10-16%)**

- A. Meritorious Claims and Contentions
- B. Expediting Litigation
- C. Candor to the Tribunal
- D. Fairness to Opposing Party and Counsel

**VII. Transactions and Communications With Persons Other than Clients (2-8%)**

- A. Truthfulness in Statements to Others
- B. Communications with Represented Persons
- C. Communications with Unrepresented Persons
- D. Respect for Rights of Third Persons

**VIII. Different Roles of Lawyers (4-10%)**

- A. Lawyer as Advisor
- B. Lawyer as Evaluator
- C. Lawyer as Negotiator
- D. Lawyer as Arbitrator, Mediator, or Other Third-Party Neutral
- E. Prosecutors and other Government Lawyers
- F. Lawyer Appearing in Nonadjudicative Proceeding
- G. Lawyer Representing an Entity or Organization

**IX. Safekeeping Funds and Other Property (2-8%)**

- A. Establishing and Maintaining Client Trust Accounts
- B. Safekeeping funds and Other Property of Clients
- C. Safekeeping funds and Other Property of Third Persons
- D. Disputed Claims

**X. Communications about Legal Services (4-10%)**

- A. Advertising and other Public Communications about Legal Services
- B. Solicitation—Direct Contact with Prospective Clients
- C. Group Legal Services
- D. Referrals
- E. Communications Regarding Fields of Practice and Specialization

**XI. Lawyers' Duties to the Public and the Legal System (2-4%)**

- A. Voluntary Pro Bono Service
- B. Accepting Appointments
- C. Serving in Legal Services Organizations
- D. Law Reform Activities Affecting Client Interests
- E. Criticism of Judges and Adjudicating Officials
- F. Political Contributions to Obtain Engagements or Appointments
- G. Improper Influence on Government Officials
- H. Assisting Judicial Misconduct

**XII. Judicial Conduct (2-8%)**

- A. Maintaining the Independence and Impartiality of the Judiciary
- B. Performing the Duties of the Judicial Office Impartially, Competently, and Diligently
- C. Ex Parte Communications
- D. Disqualification
- E. Extrajudicial Activities

## GRADING

Your final grade will be based on the following:

• Midterm Examination	20%
• PPA & Quizzes	10%
• Attorney Interview	15%
• Current Event Summary	15%
• Final Examination	40%
	<hr/>
	100%

Examinations: The format for your examinations will be predominantly multiple-choice. The questions will be designed to prepare you for the MPRE and, as such, will follow a similar format. You should prepare for these exams by reviewing the questions in your Professional Responsibility textbook, your MPRE question resources and lecture notes. There may be a few short answer questions on your examinations.

PPA: Please see the section below on “Participation, Professionalism, and Attentiveness.”

Attorney Interview: For this assignment, you will interview a licensed attorney and inquire about his/her practice, any ethical issues encountered, and how these issues were resolved. Be creative in selecting the discussion topics but make sure you discuss professional responsibility and ethics in law practice. During the interview, you also should take the opportunity to learn more about the attorney’s practice area in general and receive advice for your future practice. The interview need not be formal but should be conducted in a professional manner. To that end, you will be required to submit sample interview questions (at least 5 questions) during the fifth week of class (see the Syllabus). For the final Attorney Interview assignment, you will submit a written summary of your interview (questions and responses) and what you learned from the meeting. Make it easy for your prospective attorney interviewee. Of course, meet with the attorney as his/her schedule permits. Suggest a meeting at the attorney’s office or at a coffee shop nearby. Feel free to send the questions in advance of your meeting so the attorney can reflect on the discussion topics. This is a networking opportunity as well. Reach out to someone whom you would like to know.

Current Event Summary: For this assignment, you will submit a written summary of a current event that involves an ethical dilemma faced by an attorney or a judge. In your summary, you should: (1) describe the ethical issue, (2) identify the professional responsibility rule(s) involved, (3) provide the outcome, and (4) if no outcome has been reached or discussed, predict the likely outcome given the facts and rules involved. You can find many interesting articles on legal ethics in the *Texas Lawyer* publication and state bar publications, such as the Texas Bar Journal.

Optional Bonus Exercise: This assignment is optional and worth 20 extra credit points. For this assignment, you will draft or create a sample multiple-choice exam question. This assignment will help you review and prepare for the mid-term exam. Your submitted multiple-choice exam



question must address one of the topics we have covered to date and should be structured similar to the fact-pattern questions we have covered in class. It **MUST** be an original question and should have at least 4 answer choices with one correct answer. Again, the question must address a fact pattern or hypothetical. In addition to the question, you should submit an answer key, indicating (1) which answer choice is correct and why and (2) why the other answer choices are incorrect. Be sure to identify the rule(s) on which you are relying. Designing a good multiple-choice question is no easy task, but it **WILL** help you to review and make sure you have the concepts down. And, as an extra incentive, your question may be selected for the mid-term or the final exam (with any needed revisions). This bonus exercise is worth 20 points. For comparison, the mid-term examination is worth 200 points or 20%. Again, the bonus exercise is optional but, if completed, will definitely help you to prepare for the course exams and MPRE.

**Please refer to the 2017-2018 Student Rules and Regulations for additional information regarding the grade guidelines for Professional Responsibility.**

## ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.

Also, please contact Dean Mouton (Student Affairs) if you require any special accommodations regarding any of the assignments, including, but not limited to, extensions, note-takers, etc. You must contact Dean Mouton before the related assignment is due.

## PARTICIPATION, ATTENDANCE & PROFESSIONALISM

### PARTICIPATION:

Class participation will be considered in determining your final course grade. You must be prepared for all classes. If you do not actively participate in class discussion and exercises, you may lose "Participation, Professionalism and Attentiveness" points ("PPA points"). You must prepare all assignments to the very best of your ability even if they are not submitted for a grade or feedback. In addition, if you fail to bring all relevant materials with you to class or do not have these materials open and ready for use in class, you will lose PPA points. You will need to have the required texts in class (or access to them) to fully participate in the discussion. Lastly, as you know, you must be on time for class.

### ATTENDANCE:

Class attendance is mandatory. Attendance will be taken at the beginning of each class. Per Article III, Section 9 of the Student Rules and Regulations, for this two-hour course, you will be permitted three (3) absences. Tardiness will not be permitted and will be considered an absence, as will dismissal from class for misconduct or lack of proper preparation. Please see the Student Rules and Regulations for information on grade reduction and further details on absences. The class attendance rule is strictly enforced.

### PROFESSIONALISM:

A. Electronic Devices: Laptop computers, tablets, or mobile devices may be used for accessing your e-textbook and for class-related note taking and reference. During class, however, it is inappropriate to use these devices for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Use of a laptop, tablet, or mobile device in class is a privilege. In addition to any other sanction, I will rescind use of these devices, individually or collectively, if it is abused. Cell phones, blackberries, and similar devices must have the ringer turned off (or the volume muted).

B. Classroom Conduct: Also, as you well know, at all times, you must respect your fellow colleagues. Please refrain from excessive side conversations or other distracting conduct during class. Also, *please refrain from leaving the classroom during instruction*. You should be on time for class and remain seated during class instruction and should not leave the classroom until the class period has ended (unless you have an emergency). Any conduct that displays a lack of professionalism will result in a loss of PPA points.

# ACADEMIC CALENDAR



## THURGOOD MARSHALL SCHOOL OF LAW

### TEXAS SOUTHERN UNIVERSITY ACADEMIC CALENDAR 2017 – 2018

#### FALL SEMESTER 2017 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 14-18, 2017
First Day of Class	Monday	August 21, 2017
Last Day to ADD/DROP	Friday	August 25, 2017
Labor Day (NO CLASSES)	Monday	September 4, 2017
Purge of all unpaid course selections	Wednesday	September 27, 2017
Mid Term Examinations	Mon – Fri	October 23-27, 2017
Thanksgiving Holiday	Thurs – Fri	November 23-24, 2017
Last Day of Classes	Thursday	November 30, 2017
Last Day to Drop a Class	Thursday	November 30, 2017
First Year Professors' Grades due	Thursday	November 30, 2017
* Legislative Tuesday	Friday	December 1, 2017
* Legislative Wednesday	Saturday	December 2, 2017
* Legislative Thursday	Monday	December 4, 2017
* Legislative Friday	Tuesday	December 5, 2017
Reading Day (NO CLASS)	Wednesday	December 6, 2017
Final Examinations	Thursday- Friday	December 7 -Dec. 15, 2017
Commencement	Saturday	December 16, 2017

\* Legislative Days are make-up days from Hurricane Harvey August 28 – September 1, 2017

#### SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)

School Opens	Tuesday	January 2, 2018
First Day of Class	Monday	January 8, 2018
Last Day to ADD/DROP	Wednesday	January 10, 2018
M L K Holiday (No Classes)	Monday	January 15, 2018
Purge of all unpaid course selections	Wednesday	February 7, 2018
Mid Term Examinations	Mon – Fri	March 5– 9, 2018
Spring Break	Mon – Fri	March 12 – 16, 2018
Spring Break (University Closed)	Mon-Wed	March 12- 14, 2018
Good Friday (No Classes)	Friday	March 30, 2018
Last Day of Classes	Wednesday	April 25, 2018
Last Day to Drop a Class	Wednesday	April 25, 2018
First Year Professors' Grades due	Wednesday	April 25, 2018
Reading Period (No Classes)	Thur. – Sun	April 26 - 29, 2018
Final Examinations	Mon- Fri	April 30 – May 11, 2018
Hooding Ceremony	Friday	May 11, 2018
Commencement	Saturday	May 12, 2018

Please note that the calendar events and / or dates are subject to change.

Approved 5/31/2017 \* Updated 11/14/2017

## PROCEDURES & POLICIES

### ASSIGNMENTS IN GENERAL:

If you have any questions regarding these guidelines or the guidelines on any individual assignments, please ask me. Unless otherwise specified, each piece of written work that you submit in this course must meet the following format requirements:

- All documents must be typed using Microsoft Word.
- All documents must be typed in Times New Roman font and submitted on plain white, 8-1/2 x 11 inch paper (using one side only).
- The font size must be no smaller than 12 point font and footnotes (if any) may be no smaller than 10 point font.
- Papers must have at least one-inch margins on both sides and at the top and bottom.
- Text must be double-spaced. Footnotes should be single-spaced.
- Each assignment must be consecutively paginated at the bottom of each page (centered).

Lastly, all pages of each assignment must be stapled together (in the upper left-hand corner). These guidelines should be followed when drafting your Attorney Interview summary and the Current Event Summary. They are designed to further prepare you for the level of professionalism required in law practice.

When directed to do so, you must use an EXAM NUMBER when submitting your other assignments. If you are instructed to use an exam number, **DO NOT** put your name on the assignment, as preservation of your anonymity during grading is mandatory. **If you put your name on your assignment, your work will not be graded, and you will receive a zero for the assignment.** If you use the wrong exam number, you will lose PPA points. Furthermore, you must submit these assignments on time. Lastly, if you submit your assignment on TWEN more than once, I will review and grade only the most recent submission (the last submission). **Please note that you may be required to submit a hard copy of your assignment (in class) in addition to your TWEN submission.**

### A. Syllabus, Reading Assignments, and the MPRE

This is a syllabus, not a contract. Set forth on the following pages is a tentative schedule for our meetings, but additional required reading materials may be posted on TWEN and reading assignments may change as we make our way through the course. The class will generally follow the order of the textbook. If you are absent from class, please see a classmate about any missed material and required preparation for the next class. Also, please note that when the ABA Model Rules of Professional Conduct are referenced in the textbook, you are responsible for looking up and reading the entire Rule as well as the corresponding Comments. In addition,

as you begin to prepare for the course exams, I believe you will find that the reading assignments list and the class Power Point slides serve as helpful guides for outlining.

The reading assignments and discussion exercises are listed in the course syllabus under the day of the class for which they should be prepared. Any written assignments are listed under the day they are assigned and a separate due date will be listed, sometimes repeatedly as a reminder. ***It is your responsibility to follow the syllabus and be prepared for class. Review the syllabus periodically and be sure to note relevant due dates and times. You must submit all assignments on time.*** Modifications, including additions or deletions to the syllabus, will be announced in class, via e-mail, and/or posted on the course page on Westlaw's TWEN.

Our goal will be to complete Chapters 1-6 before the MPRE Exam on Saturday, March 24, 2018. Chapters 2-6 cover topics on the MPRE. Please note we will not be able to discuss every professional responsibility rule in class; you will need to set aside additional time to study those topics that have not been covered in full. And, although by the end of the course we will cover most of the subjects on the MPRE exam, **this is not a 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/exams/mpre/preparing/>.

#### **B. Consequences for Late Assignments**

i. **Late Submission of Assignments:** You will be generally required to submit your assignments online using Westlaw's TWEN. If an assignment is to be submitted online using Westlaw's TWEN, then that assignment is due on the date and at the time indicated on the assignment, in the syllabus and/or by me. Be sure to review the assignment and the course syllabus carefully. If you submit an assignment after the relevant due date and time, but within one hour after the stated deadline, you will receive a 25% reduction in your grade. If you turn in your assignment more than one hour late, your grade on that assignment will be reduced by an additional 15% for each "day" that the assignment is late, up to two days. **You will not receive any credit for a writing assignment that is submitted more than two days after the relevant due date. Your TWEN submission provides the time-stamp for grading purposes, not your hard copy submission. Moreover, if you upload your assignment on TWEN multiple times, I will review only the most recent submission for time and grading purposes.**

For purposes of this section, a "day" ends at 5:00 p.m. For example, if an assignment is due using TWEN at 8:00 a.m. on a particular day and you submit the assignment at 8:59 a.m. on that day, you will lose 25% of the total available points. If you turn in the assignment at 11:00 a.m. on that day, you will lose 40% of the total available points for that assignment. If you turn in the assignment any time after 5:00 p.m. that day or any time before 5:00 p.m. the next day, you will lose 55% of the total available points for that assignment. If you turn in the assignment any time after 5:00 p.m. the second day after the due date, you will not receive any credit for the assignment. For purposes of this section, a "day" is further defined as a calendar day (including weekends and holidays), not a Texas Southern University or Thurgood Marshall School of Law business day. All calendar days, including weekends and holidays, will be counted in determining any grade reductions.

If you do not submit an assignment in a timely manner, you will lose additional points on the assignment. Also, please note that you will be required to turn in a hard copy of your

assignment in class. **If you fail to bring a copy of your assignment to class, you will lose points on your grade for that assignment. You will also lose points on your assignment if you turn in the hard copy late.** It is very important that you adhere to all instructions and the rules for this course.

ii. Assignments Submitted in Class or by Email (and not on TWEN): If an assignment is to be submitted in class or by email (and not on TWEN) then that assignment is due at the beginning of class or on the relevant due date and time, respectively. If you submit the assignment after the beginning of class, but before the end of class, you will receive a 25% reduction in your grade. Assignments that are due in class may not be submitted after the class period concludes in which the assignment was due. **If you do not turn in your assignment before the end of class in which the assignment was due, you will not receive any credit for the assignment.** Also, be sure to bring an extra copy of your assignment for your use during class. If you are absent or will miss class, you must make arrangements to have your assignment submitted in a timely manner; otherwise, you may not receive credit for the assignment. If you submit an assignment by email late, you will receive a 25% reduction in your grade. **If you turn in your assignment by email more than two hours late, you will not receive any credit for the assignment.**

### C. Laptop Misuse

As mentioned, laptop computers may be used to access your e-textbook and for class-related note taking and reference. During class, however, it is inappropriate to use laptops for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Laptop use in class is a privilege. In addition to any other sanction (such as a deduction of PPA points), I will rescind laptop use, individually or collectively, if it is abused. Cell phones, blackberries, and similar devices must be turned off.

### D. Plagiarism

Plagiarism in *any* form is strictly prohibited. You may not plagiarize any other written work, including, but not limited to, any article or news report. Should an instance of plagiarism exist, the matter will be forwarded to the Dean for appropriate action.

### E. Questions Sent by Email

I welcome your questions by email, provided you adhere to the following requirements. If you send me a question by email, you must (1) identify the steps you have taken to solve the problem or answer your specific question or issue and (2) include what you believe the solution or answer to be. In particular, you should identify the materials that you have read or sources that you have researched. Many times, the answer to a question (especially technical requirements for assignments) may be found in the Course Guidelines and Syllabus. Be sure to check this document first.

### F. Campus Carry Policy



As you know, the State of Texas has recently passed legislation permitting you to carry a *concealed* firearm on campus if you have a concealed license permit recognized by the State of Texas, subject to the rules and regulations of Texas Southern University's ("TSU's) Campus Carry Policy. Under TSU's Campus Carry Policy, I have designated my office as a gun-free zone. Pursuant to Section 30.06, Penal Code (trespass by license 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. (Conforme a la seccion 30.06 Del Codigo Penal (traspasar portando armas de fuego con licencia), personas con licencia bajo del sub-capitulo 411, Codigo Del Gobierno (ley de portar armas), no deben entrar a esta propiedad portando un arma de fuego ocultada.). For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit Texas Southern University's website at <http://www.tsu.edu/>. Please note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution but suspension or expulsion from school.

# SYLLABUS FOR PROFESSIONAL RESPONSIBILITY

## WEEK 1

MONDAY, JANUARY 8, 2018 (Class 1)

Introduction and Ground Rules

WEDNESDAY, JANUARY 10, 2018 (Class 2)

Guest Speaker, Nelson M. Jones III

## WEEK 2

MONDAY, JANUARY 15, 2018 (No Class)

**\*\*Martin Luther King, Jr. Holiday (No Classes)\*\***

WEDNESDAY, JANUARY 17, 2018 (Class 3)

Go over Syllabus

## WEEK 3

MONDAY, JANUARY 22, 2018 (Class 4)

### **Chapter 1: Introducing Professionalism and Legal Ethics**

**Read:** Pearce Textbook, pp. ix, Chapter 1, pp. 1-21, including Global Perspectives pp. 4 & 6 and Food for Thought pp. 14, 16, & 20; Practice Pointer pp. 6 & 7 and Preamble and Scope of the ABA Model Rules of Professional Conduct

### **Chapter 2: The Basic Elements of Law Practice**

- I. Introduction
- II. Defining the Practice of Law

**Read:** pp. 23-56

WEDNESDAY, JANUARY 24, 2018 (Class 5)

### **Chapter 2: The Basic Elements of Law Practice**

- II. Defining the Practice of Law

**Read:** pp. 56-71

## WEEK 4

MONDAY, JANUARY 29, 2018 (Class 6)

**Chapter 2: The Basic Elements of Law Practice**

III. Creating the Lawyer-Client Relationship

IV. Ending the Lawyer-Client Relationship

**Read:** pp. 72-104

WEDNESDAY, JANUARY 31, 2018 (Class 7)

**Chapter 2: The Basic Elements of Law Practice**

V. Competence

**Read:** pp. 104-149

THURSDAY, FEBRUARY 1, 2018

**\*\*REGULAR REGISTRATION DEADLINE for MPRE March 24<sup>th</sup> test date\*\***

## WEEK 5

MONDAY, FEBRUARY 5, 2018 (Class 8)

**Chapter 2: The Basic Elements of Law Practice**

VI. Allocating Decision-Making between Lawyer and Client

**Read:** pp. 150-178

*What's Due:* Please submit your tentative Attorney Interview questions via TWEN by 8:00 am today. Bring a hard copy of your questions to class and submit them before the start of class.

WEDNESDAY, FEBRUARY 7, 2018 (Class 9)

**Chapter 3: The Business, Technology, and Marketing of Legal Services**

I. Introduction

II. Finding Clients

**Read:** pp. 179-241

THURSDAY, FEBRUARY 8, 2018

**\*\*LATE REGISTRATION DEADLINE for MPRE March 24<sup>th</sup> test date\*\***

## WEEK 6

MONDAY, FEBRUARY 12, 2018 (Class 10)

**Chapter 3: The Business, Technology, and Marketing of Legal Services**

III. Fees and Billing

**Read:**pp. 241-287

WEDNESDAY, FEBRUARY 14, 2018 (Class 11)

**Chapter 4: Attorney-Client Privilege and the Lawyer's Duty of Confidentiality**

I. Introduction

II. The Relationship between Duty of Confidentiality and the Attorney-Client Privilege

III. Basics of the Attorney-Client Privilege

**Read:**pp. 289-349

## WEEK 7

MONDAY, FEBRUARY 19, 2018

**\*\*President's Day Holiday (No Classes)\*\***

WEDNESDAY, FEBRUARY 21, 2018 (Class 12)

**Chapter 4: Attorney-Client Privilege and the Lawyer's Duty of Confidentiality**

III. Basics of the Attorney-Client Privilege

IV. The Basics of the Duty of Confidentiality under Rule 1.6

**Read:** pp. 350-384

## WEEK 8

MONDAY, FEBRUARY 26, 2018 (Class 13)

**Chapter 5: Conflicts of Interest**

I. Introduction

II. Simultaneous Representations of Multiple Clients  
**Read:** pp. 385-424

WEDNESDAY, FEBRUARY 28, 2018 (Class 14)

**Chapter 5: Conflicts of Interest**

- II. Simultaneous Representations of Multiple Clients
- III. Conflicts Between Client's Interests and Personal or Financial Interests of the Lawyer

**Read:**pp. 424-435

*What's Due:* Bonus Optional Exercise – Sample multiple-choice question  
(submit via TWEN by 8 a.m. and bring a hard copy to class)

**WEEK 9**

MONDAY, MARCH 5, 2018 (Class 15)

**Chapter 5: Conflicts of Interest**

- IV. Lawyer Advocate as Witness
- V. Representation Adverse to a Former Client
- VI. Lawyer as Third Party Neutrals
- VII. Vicarious Disqualification Under Rule 1.10: Disqualification of an Entire Firm Because of a Tainted Lawyer
- VIII. Conflicts of Interest in Criminal Cases

**Read:** pp. 435-475

*End of coverage for Midterm Exam.*

WEDNESDAY, MARCH 7, 2018 (Class 16)

**\*\*MIDTERM EXAMINATION\*\***

**WEEK 10**

MONDAY - FRIDAY, MARCH 12-16, 2018

**\*\*SPRING BREAK\*\***

## WEEK 11

MONDAY, MARCH 19, 2018 (Class 17)

**Chapter 6: The Lawyer's Duties to the Legal System, the Profession, and Nonclients**

I. Duties to the Court and Other Tribunals

**Read:** pp. 477-503

WEDNESDAY, MARCH 21, 2018 (Class 18)

**Chapter 6: The Lawyer's Duties to the Legal System, the Profession, and Nonclients**

I. Duties to the Court and Other Tribunals

**Read:** pp. 503-535

SATURDAY, MARCH 24, 2018

**\*\*MPRE TEST DATE: Saturday, March 24, 2018\*\***

## WEEK 12

MONDAY, MARCH 26, 2018 (Class 19)

**Chapter 6: The Lawyer's Duties to the Legal System, the Profession, and Nonclients**

I. Duties to the Court and Other Tribunals

II. Duties to Third Parties and to the Law

**Read:** pp. 535-568

WEDNESDAY, MARCH 28, 2018 (Class 20)

**Chapter 6: The Lawyer's Duties to the Legal System, the Profession, and Nonclients**

II. Duties to Third Parties and to the Law

III. Duties to the Legal Profession

**Read:** pp. 568-587

## WEEK 13

MONDAY, APRIL 2, 2018 (Class 21)

**Chapter 7: Special Ethical Rules: Prosecutors and Judges**

I. Prosecutors

**Read:** pp. 589-648

WEDNESDAY, APRIL 4, 2018 (Class 22)

**Chapter 7: Special Ethical Rules: Prosecutors and Judges**

I. Prosecutors

II. Ethical Standards for Judges

**Read:** pp. 648-701

## WEEK 14

MONDAY, APRIL 9, 2018 (Class 23)

\*\*Please note the topics discussed in Chapter 8 address historical and philosophical contexts and examine feminism, religious lawyering, racial justice and civics. Again, some of these topics may be of great interest to you and you should spend time reviewing these materials, but most of these topics will not be covered on the exam. Hence, you are instructed to “skim” Chapter 8.

***Skim:* Chapter 8: What is the Proper Role of a Lawyer?**

pp. 703-741

***What's Due:*** Attorney Interview summary submitted via TWEN by 8:00 a.m. and a hard copy submitted at the start of class.

WEDNESDAY, APRIL 11, 2018 (Class 24)

\*\*Please note the topics discussed in Chapter 8 address historical and philosophical contexts and examine feminism, religious lawyering, racial justice and civics. Again, some of these topics may be of great interest to you and you should spend time reviewing these materials, but most of these topics will not be covered on the exam. Hence, you are instructed to “skim” Chapter 8.

***Skim:* Chapter 8: What is the Proper Role of a Lawyer?**

pp. 741-772

## WEEK 15

MONDAY, APRIL 16, 2018 (Class 25)

\*\*Please note the topics discussed in Chapter 8 address historical and philosophical contexts and examine feminism, religious lawyering, racial justice and civics. Again, some of these topics may be of great interest to you and you should spend time reviewing these materials, but most of these topics will not be covered on the exam. Hence, you are instructed to “skim” Chapter 8.

***Skim: Chapter 8: What is the Proper Role of a Lawyer?***  
pp. 772-806

WEDNESDAY, APRIL 18, 2018 (Class 26)

\*\*Please note some of the topics in Chapter 9 may be of great interest to you and you should spend time reviewing these materials. For many sections in this Chapter 9, you are only instructed to “skim” to the materials, as they will not be of much focus on the exam.

**Chapter 9: Why Do Lawyers Have Special Privileges and Responsibilities?**

***Skim:*** pp. 807-845

***What's Due:*** Current Event Summary submitted via TWEN by 8:00 am and a hard copy submitted at the start of class.

## WEEK 16

MONDAY, APRIL 23, 2018 (Class 27)

\*\*Please note some of the topics in Chapter 9 may be of great interest to you and you should spend time reviewing these materials. For many sections in this Chapter 9, you are only instructed to “skim” to the materials, as they will not be of much focus on the exam.



## **Chapter 9: Why Do Lawyers Have Special Privileges and Responsibilities?**

*Skim:* pp. 845-885

WEDNESDAY, APRIL 25, 2018 (Class 28)

\*\*Please note some of the topics in Chapter 9 may be of great interest to you and you should spend time reviewing these materials. For many sections in this Chapter 9, you are only instructed to “skim” to the materials, as they will not be of much focus on the exam.

## **Chapter 9: Why Do Lawyers Have Special Privileges and Responsibilities?**

*Skim:* pp. 885-913

### Words to Remember:

*The greatest ethical test that we're ever going to face is the treatment of those who are at our mercy.*

*-Lyn White*

*Face the complexity involved in making ethical choices.*

*-Linda Fisher Thornton*

*Educating the mind without educating the heart is no education at all.*

*-Aristotle*

*Education without values, as useful as it is, seems rather to make man a more clever devil.*

*-C.S. Lewis*

