

FIRST ASSIGNMENT

Professional Responsibility

CLASS 1. Introduction to Legal Ethics

TEXT & Table of Contents & Chapter 1

Discussion:

RULES: ABA Model Rules Table of Contents, Preamble & Scope

**PROFESSIONAL RESPONSIBILITY
PROF. LUNA
SUMMER 2013 COURSE SYLLABUS
AND POLICIES**

<u>Contact Information:</u> Office: 8 th Floor Office phone: 404-872-3593, ext. 289 Email address: bluna@johnmarshall.edu	<u>Office Hours: *</u> Mon. - Thurs.: 5:00 p.m. – 6:00 p.m. *I am also happy to meet with you outside of office hours. Please contact me via email to set up an appointment if you wish to meet at an alternative time.
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A. COURSE DESCRIPTION

This course will provide students with a working knowledge of the rules and standards that govern the legal profession, with a focus on the Georgia Rules of Professional Conduct and the ABA Model Rules of Professional Conduct on which they are based. The goals of this course are (i) to help students identify and anticipate how to handle the kinds of situations that commonly result in professional discipline and (ii) to assist students in developing a personal understanding of what it means to be a professional and to consider the kind of attorney they want to be. Description:

Goals:

The principle goals are for you to consider the significance of professional ethics, understand how the rules operate to govern the practice of law and to develop the critical awareness to properly apply and abide by the professional code of ethics.

Requirements:

You are responsible for: 1) completing all assigned reading, including comments; 2) any supplemental reading necessary to develop an understanding of the material; 3) reading the relevant rules prior to reading the text, and again upon completion; and 4) completing the discussion questions for each chapter. Attendance is in accordance with JMLS policy.

ABA Model Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. Thoroughness and preparation includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. i.e. You must read, think about, and discuss the issues.

Resources:

www.ncbex.org; Geoffrey Hazard & William Hodes, *The Law of Lawyering* (3rd ed. 2001); The Restatement 3rd of the law Governing Lawyers (2000)

B. REQUIRED TEXTS

1) Schwartz, Wydick & Perschbacher, *Problems in Legal Ethics* (9th Ed, West); and 2) Zitrin and Langford, *The Moral Compass of the American Lawyer*.

C. SUPPLEMENTARY TEXTS

ABA Model Rules of Professional Conduct at
http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html

The Georgia Rules of Professional Conduct at
http://www.gabar.org/handbook/part_iv_after_january_1_2001_-_georgia_rules_of_professional_conduct/

D. READING ASSIGNMENTS

There are required and recommended reading assignments at the beginning of each chapter of the *Problems in Legal Ethics* textbook. You should be familiar with the ABA rules and code provisions listed for each class, as well as the corresponding Georgia rules. You should also be prepared to discuss and answer the Discussion Problems that appear at the beginning of each chapter. You should also review the Multiple Choice Questions at the end of each chapter.

Course Schedule:**CLASS 1. Introduction to Legal Ethics**

TEXT & Table of Contents & Chapter 1

Discussion:

RULES: ABA Model Rules Table of Contents, Preamble & Scope

CLASS 2. Sources and Application of Legal Ethics Rules

TEXT & Chapter 2; **Begin The Moral Compass (Complete by Week 4)**

Discussion:

RULES: ABA Model Rules 5.5 & 8.1 thru 8.5

CLASS 3. Beginning and Ending the Lawyer-Client Relationship

TEXT & Chapter 3

Discussion:

RULES: ABA Model Rules 1.16, 1.18, 3.1, 6.1 & 6.2

CLASS 4. Advertising and Solicitation

TEXT & Chapter 4, The Moral Compass, Ch. 6.

Discussion:

RULES: ABA Model Rules 7.1 thru 7.6

CLASS 5. Attorneys Fees And Fiduciary Duties

TEXT & Chapter 5, The Moral Compass, Ch. 4

Discussion:

RULES: ABA Model Rules 1.5, 1.8(e) & 1.15

CLASS 6. Competence, Diligence, and Unauthorized Practice of Law

TEXT & Chapter 6, The Moral Compass, Ch. 3

Discussion:

RULES: ABA Model Rules 1.1 thru 1.4., 1.8(h), & 5.3 thru 5.5

CLASS 7. Confidential Information

TEXT & Chapter 7; The Moral Compass, Ch. 5

Discussion:

RULES: ABA Model Rules 1.0, 1.2, 1.6, 1.8(b), 1.9(c), 1.18(b), 3.3, 3.4(a), & 4.1

CLASS 8. Conflicts of Interest – Lawyers, Clients & Third Parties

TEXT & Chapter 11
Discussion:

RULES: ABA Model Rules 1.0(c) & (e), 1.2, 1.7, 1.8, 1.10, 1.13, 1.14, 1.16(a), 1.18, 2.1, 3.7 & 5.4(c)

CLASS 9. Conflicts of Interest – Conflicts Between Two Clients

TEXT & Chapter 12
Discussion:

RULES: ABA Model Rules 1.7, 1.8(b), (g), and (i), 1.9 thru 1.12, 1.18 & 6.3 – 6.5

CLASS 10. Lawyers in Law Firms and Specialized Practice Areas

TEXT & Chapter 13
Discussion:

RULES: ABA Model Rules 1.0(c), 1.10, 1.11, 1.12, 1.17, 2.3, 2.4, 5.1 thru 5.7

CLASS 11. Candor in Litigation

TEXT & Chapter 8, The Moral Compass, Ch. 7
Discussion:

RULES: ABA Model Rules 1.0(m), 1.2(d), 1.6, 3.3, 4.1, and 8.4(a)-(d)

CLASS 12. Fairness in Litigation

TEXT & Chapter 9
Discussion:

RULES: ABA Model Rules 3.1 thru 3.9 and 4.1 thru 4.4

CLASS 13. Bias In And Out Of The Courtroom

TEXT & Chapter 10, The Moral Compass, Ch. 7

Discussion:

RULES: ABA Model Rules 1.8(j), 3.4, 3.5, 4.4, & 8.4

ABA Model Code of Judicial Conduct Rules 1.2, 2.2, 2.3, 2.11(A)(1), 2.12, 3.1 and 3.6

CLASS 14. Judicial Conduct

TEXT & Chapter 14

Discussion:

RULES: ABA Model Rules 1.12, 3.5, 8.3(b), & 8.4(f)

ABA Model Code of Judicial Conduct Canons 1 – 4

I reserve the right to modify this syllabus as required, or desired. There may be additional assignments added. **New Assignments** will be posted to TWEN on the day immediately following class.

E. ASSIGNMENTS/GRADING

In-Class Participation:	10%
Quizzes:	30%
Final Exam:	60%

The final examination will be a two (2) hour “in class” examination. Questions may take the form of long issue-spotting essays, a series of shorter essays, multiple choice questions, or a combination of the above.

In addition to the exam, quizzes and writing assignment, a student’s grade may be affected by class participation. A student’s class participation will be determined by class attendance, preparation, frequency and quality of contribution to class discussion both when “on call” and when offered on a voluntary basis, and successful completion of any class exercises.

F. PREPAREDNESS POLICY

I expect all students to come to class each week prepared and for students to actively participate in class discussion. Class discussions will center around ethical problems in the Problems in Legal Ethics textbook and various real-life disciplinary rulings which will be provided to the class on a weekly basis. Students should come to each class prepared with a working knowledge of the assigned readings, as well as any professional rules from the ABA Model Rules or Georgia Model Rules that are implicated by the problem and disciplinary rulings under discussion. All students should have done the assigned reading before class and come prepared to voluntarily share their views and opinions on the assigned reading material, as well as to ask questions needed to clarify the material for themselves.

Class attendance is required and will be taken either through roll call or individual sign-in.

G. COMPUTERS

You are permitted to use laptops in class, provided that you use them only for class-related activities. If I find that students are abusing this policy, I may revoke in-class computer use privileges. If you do not have a computer, it is your responsibility to ensure that you have adequate access to a computer for the purpose of completing assignments. Technological failures are your responsibility and are not an excuse for late or unprofessional assignments. It is your responsibility to save your material and use back-up options.