PROFESSIONAL RESPONSIBILITY
Professor Amy Mashburn
Fall 2015

SYLLABUS

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Office Hours: Mondays 11-12 and Wednesdays 11-12, or by appointment

1. **Required Texts and Other Materials.** The following two books are required for the course and must be purchased: Lerman and Schrag, *Ethical Problems in the Practice of Law*, (Third Edition, Wolters Kluwer, 2012) and Lerman, Schrag, and Gupta, *Ethical Problem in the Practice of Law: Model Rules, State Variations and Practice Questions*, (Wolters Kluwer, 2015-16 Edition). I do not advise you to purchase either one of these books in electronic form, because you will not be able to access any electronically-stored material during the exam, but will be able to have hard copies of the materials with you.

2. **Study Aids and Supplemental Materials.** Many supplements and study aids are available to assist you in mastering the material for Professional Responsibility and the MPRE. You do not need to use or purchase any of them to do well in this course. You may, however, find them helpful. If so, I would recommend two types of supplemental aids: (1) those that give you a narrative overview of the subject and explain how the concepts fit together (e.g., Freedman and Smith, *Understanding Legal Ethics*); and (2) those that help you to apply the Model Rules precisely (e.g., Wendel, *Examples & Explanations: Professional Responsibility* (Most Recent Edition)). You might be able to find recent editions of these books in the library, but be careful about using older editions—the law governing lawyers is a rapidly changing area of law! Also, be careful not to overwhelm yourself with materials specifically designed to prepare you for the MPRE—they often discuss material we do not cover in class.

3. **TWEN Access.** You must access the TWEN site for this course by going to the law.ufl.edu website and then clicking on the TWEN link which is included in a list of links on the bottom right hand corner of the site. You will see the course, *Professional Responsibility (Mashburn)* listed there. It is important that you sign in using your “ufl.edu” email address. You should not have any trouble accessing this site or its materials, but let me know if you do. **Even though you will get a lot of UF Law email throughout the semester, it is important that you check those you receive from me because this is the way I will be communicating with you outside of class.**

4. **Assignments.** Assignments will be posted on the “Assignments” link on the TWEN site for this course.
5. **Outline of Subjects to be Covered.**

I. Regulation of Lawyers  
II. Lawyer Liability  
III. The Duty of Confidentiality  
IV. Attorney-Client Privilege and Work Product Doctrine  
V. The Lawyer-Client Relationship  
VI. Conflicts of Interest  
VII. Lawyers’ Duties to Courts  
VIII. Lawyers’ Duties to Adversaries and Third Persons  
XIV. The Practice of Law and the Legal Profession

6. **Course Objectives.** The course will give you an overview of the law governing lawyers and allow you to explore the ethical problems lawyers encounter in practice. The course also considers the various professional roles lawyers assume and the moral quandaries they face. The primary focus of the course will be ethical problem-solving. The ultimate goal is to give students the opportunity to begin to develop an informed, personalized, ethical problem-solving methodology as part of a developing individualized professional identity.

7. **Evaluation.** Your grade will be based on one graded final examination and your compliance with the other requirements of the course explained in this syllabus. These requirements include: attendance; being prepared when called upon; participation in problem exercises; and, if assigned, completion of quizzes. Although the final exam is the only graded component of the course, failure to comply with the aforementioned additional course requirements will negatively impact your grade.

The exam will consist of multiple-choice, true-false, and short answer questions. The exam will be open book, with some exclusions (e.g. electronically-stored information), that will explained to you later. Any material assigned or covered in class may be tested. The law school’s policy on delay in taking exams can be found at: [http://www.law.ufl.edu/students/policies.shtml#12](http://www.law.ufl.edu/students/policies.shtml#12). Any arrangements regarding delaying exams, or other accommodations regarding exams, should be addressed to the staff in the Student Affairs office. The law school’s grading policy is available at: [http://www.law.ufl.edu/students/policies.shtml#9](http://www.law.ufl.edu/students/policies.shtml#9). The law school assigns the following values to each grade:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Excellent)</td>
<td>4.00</td>
</tr>
<tr>
<td>A-</td>
<td>3.67</td>
</tr>
<tr>
<td>B+</td>
<td>3.33</td>
</tr>
<tr>
<td>B (Good)</td>
<td>3.00</td>
</tr>
<tr>
<td>B-</td>
<td>2.67</td>
</tr>
<tr>
<td>C+</td>
<td>2.33</td>
</tr>
<tr>
<td>C (Satisfactory)</td>
<td>2.00</td>
</tr>
<tr>
<td>C-</td>
<td>1.67</td>
</tr>
</tbody>
</table>
8. **Participation in Exercises and Completion of Quizzes.** During the semester, you may be asked to participate in various exercises and to take quizzes posted on the TWEN site. Although these exercises and quizzes will not be graded, you are required to participate in good faith and to complete the quizzes. A willful failure to participate will negatively affect your grade.

9. **Attendance.** Pursuant to law school and ABA regulations, students are required to attend class regularly. You must sit in your assigned seat, sign the attendance sheet, and keep track of your absences. Signing the attendance sheet for another person is a serious infraction and may result in administrative removal from the course or a grade reduction. We will not issue warnings—it is your responsibility to keep track of your absences. Absences for observance of religious holidays are excused. Please let us know, via email, if you plan to miss class for this reason. **Otherwise, you are allowed a total of 7 absences. Upon attaining the 8th absence, you will not be eligible to receive a passing grade for the course. Extraordinary situations (such as your own hospitalization or a death in your family) should be addressed to the staff at Student Affairs who will handle any exceptional accommodations. Since absences (other than those for religious observances) are not excused, there is no reason to tell me why you are absent and sending me such an email does not excuse the absence.**

10. **Classroom Behavior.** You are all bound by the University Student Code of Conduct, the College of Law Honor Code, and the rules for this course. Proper conduct in the classroom is necessary to allow everyone to participate in, to derive benefit from, and to enjoy the class. Any unprofessional, disrespectful, harassing, disruptive, or distracting conduct that has a negative effect on the classroom atmosphere is prohibited. You are allowed (and may be required on some days) to have a laptop computer or other electronic device with you during class. You may not use these devices in a manner that is disruptive to the class or your classmates. Inappropriate classroom conduct will be handled on a case-by-case basis. Such conduct may result in administrative removal from the course or a grade reduction.

    Please arrive to class on time. Late arrivals are disruptive and time-consuming. If you arrive more than 10 minutes late without prior permission, you will be counted absent.

11. **Statement Related to Accommodations for Students with Disabilities.** Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.