WELCOME TO OUR CLASS! I’m looking forward to meeting you!

This document contains our Course Syllabus (listed first), followed by our Course Polices.

Our textbook. References to § numbers and to page numbers (in parentheses) below are to our textbook, Ethical Lawyering: Legal and Professional Responsibilities in the Practice of Law (3d ed.) by Paul T. Hayden.

The Model Rules. References in bold below are to the American Bar Association’s Model Rules of Professional Conduct reprinted in Ethical Problems in the Practice of Law (2015-2016) by Lerman, Schrag, and Gupta (our Rules supplement). Please read not only the assigned Rule itself, but also read the Comments to that Rule. Because many Rules are relevant to more than just one topic, many of the same Rules are assigned more than once. Although you don’t have to memorize any Rule number for our course or for our exam, you may find it easier to remember the Rule’s content if you do so.

Reading. Your reading will consist largely of cases and notes from the Hayden book, Rules and Comments, and (for some classes) additional reading assignments posted on our TWEN site. Please stay up-to-date with all scheduled reading (according to our syllabus) whether or not we get to that day’s assignment in class. We may spend more time on a particular issue, but we’ll get caught up within a day or so. Our TWEN site and our Rules supplement also contain helpful exam tip and other information that has not been assigned.
### WEEK 1

**M, Jan. 4**  
**Class 1**  
**Preamble and Scope; 7.3; 6.1; 6.2; 8.4**  
*Chapter 1. Professionalism and the Practice of Law*  
§ 1 The Concept of Professionalism (1-14), and also read our Course Policies – posted on the TWEN website beginning at p. 7 of this document, AND read the Oath posted under Class 1 Additional Reading on the website. The additional materials under Class 1 are for your reference only. You will not be tested on them.

**W, Jan. 6**  
**Class 2**  
8.1; 8.3; 8.4; 8.5  
§ 2 Sources of Regulation of Lawyers (14-27)  
*Chapter 9. Judicial Ethics* (614-627)

**Th, Jan. 7**  
**Class 3**  
8.1; 8.3; 8.4; 8.5  
[**Chapter 1**]  § 3 Legal Education and Bar Admission (27-40),  
AND read the Converse case posted under Class 3 Additional Reading on the website. The additional materials under Class 3 are for your reference only. You will not be tested on them.

### WEEK 2

**M, Jan. 11**  
**Class 4**  
5.5; 8.5  
§ 4 The Unauthorized Practice of Law (41-53), skip the Birbrower case (53-60), read the Notes section (60-64), AND read the materials posted under Class 4 Additional Reading on the website (Preston UPL case). The additional materials under Class 4 are for your reference only. You will not be tested on them.

**W, Jan. 13**  
**Class 5**  
1.1  
*Chapter 2. Incompetence and Its Consequences*  
§ 1 The Effect of Lawyer Error or Misconduct (65-73), AND read all of the materials posted under Class 5 Additional Reading on the website (Joyce default case).

**Th, Jan. 14**  
**Class 6**  
1.18  
§ 2(A)(1) Legal Malpractice in Civil Matters – Duty (74-85) (Although this may take more than one class period to discuss, please keep current with your reading.)

### WEEK 3

**M, Jan. 18**  
**NO CLASS -- MLK HOLIDAY**

**W, Jan. 20**  
**Class 7**  
1.1; 1.18  
§ 2(A) and (2)(3) Legal Malpractice in Civil Matters – Breach of Duty; Causation of Harm (85-99)

**Th, Jan. 21**  
**Class 8**  
1.18  
§ 2(B) Legal Malpractice in Civil Matters – Proving a Legal Malpractice Claim (100-106), *(skip 106-to very top of 116).*
WEEK 4

M, Jan. 25  
Class 9  
§ 3 Ineffective Assistance of Counsel (116-130), (skip the case and notes @130-137), AND read the materials posted under Class 9 Additional Reading on the website (Maples case).

W, Jan. 27  
Class 10  1.1; 1.3; 1.4; 5.1; 5.2; 5.3; 8.3; 8.4  
§ 4 Malpractice in Criminal Matters (137-144),  
§ 5 Other Checks on Incompetency (144-150), AND read the materials posted under Class 10 Additional Reading on the website (Riehlmann case).

Th, Jan. 28  
Class 11  1.6; 8.4  
Chapter 3. The Duty of Confidentiality  
§ 1 Attorney-Client Privilege (151-152, skip the Upjohn case 152-155), (read 162-170), AND read the materials posted under Class 11 Additional Reading on the website (Florida’s Confidentiality rule).

WEEK 5

M, Feb. 1  
Class 12  1.6; 8.4  
§ 1 Attorney-Client Privilege and Work Product Doctrine (170 - through end of the notes at 179), then read 156 – top of 162), then 179 - top of 188).  
(Although this may take more than one class period to discuss, please keep current with your reading.)

W, Feb. 3  
Class 13  1.5; 1.6; 1.8; 1.9; 1.10; 1.13; 1.16; 2.3; 3.3; 4.1; 8.1; 8.3  
§ 2 The Ethical Duty of Confidentiality (188-205); (skip the Meyerhoffer case 205-209); (read 209-214).

Th, Feb. 4  
Class 14  1.5; 1.6; 1.8; 1.9; 1.10; 1.13; 1.16; 2.3; 3.3; 4.1; 8.1; 8.3  
§ 2 The Ethical Duty of Confidentiality continued (see above reading).  
Read Hodgson Russ v. Trube, 867 So. 2d 1246 (2004). (Is this citation in correct Bluebook format?) The Hodgson case is posted under Class 14 Additional Materials on the website.

WEEK 6

M, Feb. 8  
Class 15  3.4  
Chapter 7. Litigation Ethics §5 Handling Tangible Evidence (527-535)  
(Bowling Bag hypothetical – Prof. Reid will address in class – nothing to read).

W, Feb. 10  
Class 16  1.2; 1.4; 1.7; 1.8; 1.9; 1.13; 1.14; 1.16; 1.18; 3.4; 4.1; 4.2; 4.3; 4.4  
Chapter 4. The Client-Lawyer Relationship  
§ 1 Models of the Relationship (215-218)  
§ 2 Forming the Relationship (219-236)

Th, Feb. 11  
Class 17  1.1; 1.2; 1.4; 1.6; 2.1  
§ 3 Maintaining the Relationship (236-238); (skip the Jones case 238-243); (read 243-245 (notes)); (skip the Martinez case 245-250); (read 250-263).
WEEK 7

M, Feb. 15  **Class 18**  1.1; 1.2; 1.4; 1.6; 2.1
§ 3 Maintaining the Relationship *continued* (see above reading).

W, Feb. 17  **Class 19**  1.15
§ 4 Safeguarding Client Funds and Client Property (263-271)

Th, Feb. 18  **Class 20**  1.3; 1.16
§ 5 Terminating the Relationship (271-295)
*Chapter 5. Attorneys' Fees*
§ 1 Types of Fees and Basic Restrictions (296-302)

WEEK 8

M, Feb. 22  **Class 21**  1.5; 1.8; 1.16
*Chapter 5. Attorneys' Fees*
§ 2 Hourly Fees (302-310)

W, Feb. 24  **Class 22**  1.5; 1.16
§ 3 Contingent Fees (310-335)

Th, Feb. 25  **Class 23**  1.5
§ 4 Fee-Shifting Statutes (335-345)

WEEK 9

2/29-3/3  **SPRING BREAK – NO CLASSES**

WEEK 10

M, Mar. 7  **Class 24**  1.5; 1.7; 1.8; 1.9; 1.10; 5.4; 5.5; 7.1; 7.2; 7.3; 7.4; 7.5
§ 5 Fee Sharing and Fee Splitting (345-352)

W, Mar. 9  **Chapter 6. Conflicts of Interest**
**Class 25**  1.0; 1.7; 1.8; 1.9; 1.10; 1.18; 6.5
§ 1 Introduction (353-359)
Please *print out or have available to you in class* the materials posted on the TWEN site under the link Conflicts of Interest – Prof. Reid's Notes. In this link, I've provided you with my handwritten notes covering the entire chapter on Conflicts of Interest. You'll need to access these notes during several classes.

Th, Mar. 10  **Class 26**  1.7; 1.8
§ 2 Conflicts Between Current Clients (359-365)
WEEK 11

M, Mar. 14  Class 27  1.7; 1.8
§ 2 Conflicts Between Current Clients continued (366-382)

W, Mar. 16  Class 28  1.0; 1.9; 1.10; 1.11; 1.12; 1.18
§ 3 Conflicts Between Former Clients and Current Clients
§ 3A Civil Cases (skip the Exterior Systems case 383-388); (read 388 (notes) – 395).

Th, Mar. 17  Class 29  1.0; 1.9; 1.10; 1.11; 1.12; 1.18
§ 3 Conflicts Between Former Clients and Current Clients continued (395-407)

WEEK 12

M, Mar. 21  Class 30  1.10; 1.11; 1.12
§ 3B Criminal Cases and § 3C Government Lawyers (407-421)

W, Mar. 23  Class 31  1.4; 1.16; 3.1; 3.2; 3.3; 3.4; 3.5; 3.6; 3.7; 3.8; 4.4; 8.2; 8.4
[§ 1 The Adversary System (skip 458-463)].
§ 2 Sanctions for Improper Advocacy (skip 464-470); (read 470 (notes) – 482).

Th, Mar. 24  Class 32  3.3; 3.4; 3.5; 3.9; 4.4; 8.2; 8.4
§ 2 Sanctions for Improper Advocacy (483-495)
Optional -- Please read the Exam Preparation Document link on our website. If you'd like the answers to the questions, please follow the instructions on the document. Please spend time this week to look over the Review - Study Aids link on our website and to begin your review for the final exam.

WEEK 13

M, Mar. 28  Class 33  3.6; 3.7; 3.8; 8.2; 8.4
§ 2 Sanctions for Improper Advocacy (495-502); (skip 502-507); (read 507-511).
§ 3 Client Perjury (511-517). Please make sure you could articulate to another person what a lawyer’s duties are when he/she knows his client will commit perjury, and when he/she knows his/her client has already committed perjury in an on-going trial.

W, Mar. 30  Class 34  1.2; 1.5; 1.7; 1.8; 1.16; 5.7; 6.4
§ 4 Conflicts With a Lawyer’s Own Interests § 4A (421-436)

Th, Mar. 31  Class 35  1.2; 1.7; 1.8; 1.16; 6.4
§ 4B and § 4C (436-442) Read the Rinella case under Class 35 Additional Reading on the website AND search the web to find out what happened to the lawyer in the Rinella case AND look to the Florida Bar’s website to find out what the Florida rule is regarding sex with a client.
## WEEK 14

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<td>Class 36</td>
<td>1.7; 1.8; 2.1; 5.4; 6.3</td>
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<td>§ 4 Conflicts With a Lawyer’s Own Interests</td>
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<td>§ 4B and 4C and 4D (442-453)</td>
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<td>§ 5 Conflicts Created By Third Parties (453-457)</td>
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<td>W, Apr. 6</td>
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<td>Candor to the Tribunal Read TWEN site for Class 37 (including client perjury)</td>
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<td>Th, Apr. 7</td>
<td>Class 38</td>
<td>4.1; 1.8(e)</td>
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<td>§ 6C Ethics of Negotiation (540-546); (skip 547-556).</td>
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<td>§ 7 Advancing Litigation Costs (556-562)</td>
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## WEEK 15

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<td>Class 39</td>
<td>Catch-up and REVIEW</td>
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<td>W, Apr. 13</td>
<td>Class 40</td>
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<td>Th, Apr. 14</td>
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Welcome! I’m Professor Reid, and I’m looking forward to getting to know each of you. (My last name used to be “Rambo.” In your legal writing and appellate advocacy courses, you may have used the text Professor Pflaum and I co-authored, Legal Writing By Design.)

We’ll be together this semester learning one of the most important subjects lawyers need to know – Professional Responsibility. The rules we’ll be learning apply fully to me (I’m a practicing lawyer), and will soon apply fully to you. In fact, as a law student, certain rules of professional responsibility apply to you even now.

In the materials below, I’ve tried to explain what you can expect in the course, and what I expect of you. Please read these materials very carefully. If you have any questions, please let me know.

Course Goals
1. To survey the American Bar Association’s Model Rules of Professional Responsibility and the policies underlying those rules.
2. To help you develop your professional identity and prepare you for the practice of law.
3. To help you develop your legal reasoning skills with an emphasis on ethical practices.
4. To enjoy each other’s thoughts and ideas in a non-confrontational setting, with active class participation.

Course Limitations
Please understand that this is a survey course in Professional Responsibility. It doesn’t address in detail every aspect of every rule governing lawyer professionalism. Our course focus is on the ABA’s Model Rules of Professional Responsibility, with some coverage of select Florida-specific rules. I’ll do my best to help you prepare for the bar exam and the Multistate Professional Responsibility Exam (MPRE), but please understand that this course is designed to help you in your actual practice of law, and is not solely directed towards any professional entry test.

Course Materials and Assigned Reading
Here’s what you’ll need for the course: (1) our textbook, (2) our Rules supplement, (3) access to the Florida rules on the Florida Bar’s website, and (4) access to Prof. Reid’s TWEN website.

(1) Our textbook for the course is Ethical Lawyering: Legal and Professional Responsibilities in the Practice of Law (3d ed.) by Paul T. Hayden. ISBN: 9780314911544

Please see the Florida Bar's website for access to the Florida Rules.

**Signing Up on Our TWEN Site:** When you sign up to access our TWEN site, please use only your ufl.edu email address. Please do not sign up using any account other than ufl.edu. (Your email to me may get routed into my “trash” if it’s not from the ufl.edu account.) Please pay special attention to the links on the TWEN site. Some links provide additional review materials that will help you in studying for this course.

**Optional (Recommended) Texts:** As of this writing, most of the major Bar Review companies provide free (at no charge to you) review materials for Professional Responsibility. Although I'm not going to endorse any particular company's products, I can tell you that these materials generally are very helpful. If I were taking this course, I'd get a copy of these books and practice the multiple-choice questions.

**Assigned Reading:**

1. Please bring your textbook and Rules supplement to each class (including our first class).

2. Please complete all reading by the date it’s assigned, whether or not you think we’ll address it in class that day. For example, if we don’t finish discussing all of the assigned reading for Class 3, for Class 4 you are to read all the assigned materials for Class 4. In this way, you’ll stay up to date on the required reading.

3. **Emails.** Please also be aware that from time to time I may send the class an email with an article or case attached or with a request that you go to our TWEN page to read a new case. Please consider these emails and their attachments as part of the required reading for our course. Please read them in a timely manner and respond if necessary. And, if you come across any interesting case or article relevant to our class, please send it to me. I love getting that kind of thing.

**Grading Policies**

Our course is subject to all Levin College of Law and University of Florida grade, honor code, and other policies. Please consult the law school website for those policies.

Our final exam is worth 85% of your grade. Class participation (including any quizzes) is worth 15% of your grade. Violation of our course policies regarding use of electronic devices, excessive unexcused lateness, or excessive leaving/entering class after class has begun will result in a full letter grade drop.

For policy on delay in taking exams, please see: [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.

For the law school’s grading policy, please see: [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:
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*Class attendance is mandatory.* Please see the UF policies (on the law school's website) regarding attendance and observance of religious and other holidays. Absences for observance of religious and other law school designated holidays are excused. **Otherwise, you are allowed 5 absences.** After the fifth unexcused absence, you may not take the final exam and you will receive a failing grade in the course. You're responsible for keeping track of your absences. Please do not ask me how many classes you’ve missed. To be clear, upon attaining the 6th absence of any kind, you will **not be eligible** to receive a passing grade for this course. Extraordinary situations (such as your own extensive illness, hospitalization, family emergency, death in your family, etc.) should be addressed to the staff at Student Affairs who will handle any exceptional accommodations.

**Regarding attendance sheets:** You’re responsible for signing the attendance sheet for each class. As you know, you’re **not** permitted to sign in for any other student, or have any other student sign in for you. Doing so (and/or being the beneficiary of such) will be considered an honor/conduct code violation.

**Class participation and compliance with course policies is required in this course.** I'll consider a student's meaningful and voluntary class participation in determining whether to award him/her a higher grade or a lower grade in the course. I also reserve the right to award a lower course grade to any student who demonstrates a lack of in-class preparedness and/or who violates any of these course policies including unauthorized use of laptops or other devices. (Please see the section below regarding laptop and other device use.)

**What to do if you're not prepared for class.** I'll assume that everyone is prepared, and is able to participate in our class discussions with insight. However, I understand that sometimes being prepared just isn't possible. If you're not prepared, please just let me know ahead of time (right before class is fine), and I won't call on you that day. I won't even count it against you (unless, of course, your use of immunity becomes excessive). To repeat, the burden is on you to tell me if you're not prepared. I value honesty and integrity. To that end, I will not penalize you if you're forthcoming in letting me know that you aren't prepared.

**What to do if you miss a class or have to come in late.** As a lawyer, if you're ill or otherwise can't attend a meeting with a client or show up at the office or in court, you (of course!) would notify those impacted by your absence. That's what a professional does. And, of course, you would not be late for a meeting with a client or a court appearance, or walk out in the middle of such unless there was some emergency. In that vein, if you’re
absent from our class for any reason (or know you must arrive late), please (this is a requirement) notify me via email. If you’re able to notify me ahead of time, that’s great; but if not, please let me know as soon as possible after the fact.

If you’re ill, please, please, please take care of yourself. If you have to miss class because of an illness, I’ll excuse your absence – and you don’t need to show me a doctor’s note.

If you’re absent for any reason, please just get notes from someone in class you trust. There’s nothing extra you need to do.

If you need to come in late, please just see me after class or email me. I’d much rather you come in late than have you miss the class. (I understand that life happens….)

**Quizzes and Final Exam.**

Quizzes. If I find that there’s a low level of in-class participation, I will give in-class quizzes, and your scores on them will count towards the course participation component of your final grade.

Final Exam. A closed-book, closed-note multiple-choice final exam will be given at the end of the semester according to Levin College of Law procedures. I’ll provide further information regarding the final exam as the course progresses. At this point, the exam likely will be three hours long in the format of at least 80 multiple-choice questions (with 5 suggested answers to choose from for each question, but with no “none of the above” answer choice). For our final exam and for any quizzes, you do not need to know any case names or any Rule numbers. However, in class (as in the practice of law), we’ll refer to the Rule by its number, so you’ll need to be familiar with the numbers.

**Laptop and Other Device Use**

Unfortunately, some in-class use of laptops and other devices (including phones) can be distracting to your classmates, impede your own learning, and/or demonstrate a level of rudeness or lack of interest. Demonstrating these traits will not earn you high regard from your colleagues, judges, clients, or from me. Accordingly, please be considerate of others and use your device ONLY for class purposes.

Just so there’s no mistake – you may use your device to access your notes and assigned reading. You may not use your device for any other purpose – not to surf the web, not to access your email, not to access on-line accounts, etc. If you’re using your device for an unauthorized purpose, I reserve the right to ask you to leave (immediately) the classroom, and to lower your grade. After all, this is a course in professionalism.

**Special Concerns re Email**

Under Florida law, emails to state employees may be public record subject to public disclosure. Although there are exceptions to this, I’d rather not deal with grades or confidential matters via email. If you have something that is confidential to discuss, please see me in person. If that’s not workable, please mark CONFIDENTIAL on your email to me.

Further, when you send me an email message, please write “Professional Responsibility” in the subject line along with whatever else you wish to include.

Please also note that I receive countless email “spam” messages, and am very careful regarding the messages I’ll open.
What You Can Expect In Class

The classroom environment is very important to me. I don’t want anyone to be “afraid” to speak. **If there’s anything I’m doing that bothers you, please feel free to tell me. If I’m not aware of it, I can’t correct it.** I want our classroom to be a place of learning (of course) and of fun. I want you to feel free to express your views, and hope that you will want to share your ideas with us.

*If you’re called on.* It’s not my intention to pick on or to embarrass you. I want you to have the experience of thinking on your feet – with that experience comes confidence. (You’ve got to trust me on this one.) I remember *hating* being called on in law school. If I call on you, it will *not* be to “put you through the wringer.” If you’re current on the assigned reading and have carefully reviewed the material, you shouldn’t have any trouble answering any question I’ll ask. And please remember, if you aren’t prepared, please just tell me before class and you need not have any concern that I’ll call on you that day.

I want you to think for yourself, and to form your own opinions concerning the cases and arguments we’ll be addressing without feeling pressure to agree with me. I want to learn *from* you, and look forward to doing so.

FOR OUR FIRST CLASS: Please print out and complete the following form. Please submit this form when you come into the room at the beginning of our first class.
Please read carefully. By your signature, you verify that you have carefully read our course policies and all assigned reading for our first class. In particular, you’re verifying that you understand the policies regarding grading, laptop/device use, your responsibilities, contacting Prof. Reid when you’re absent, contacting Prof. Reid by email, keeping track of your absences, and telling Prof. Reid when you’re not prepared for class. If you truly have not read these materials carefully, please go back and do so before you sign your name below. In law, your word – your signature – is your bond.

(Please sign): ________________________________