

University of Florida Levin College of Law
FALL 2018 – PROFESSIONAL RESPONSIBILITY – Law 6750 – section 17785 – 3 credits
COURSE SYLLABUS & POLICIES

Professor Teresa Reid reid@law.ufl.edu Office: 349 Holland Office hours: TBA

FALL 2018: Class meets M, T @ 10:30-11:45 a.m. in room 355C
(Please double-check the room number via the law school's website for any last-minute changes.)

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

This document contains our Course Syllabus (listed first) for ease of access, followed by our Course Policies. The following is an overview of some of the policies students ask about most often. However, please see our Course Policy section for further information.

Please understand that you're responsible for reading, understanding, and complying with all policies addressed or referenced in this document. (*Professionalism tip:* Before asking your professor about any course policy (in any class), please first check with the course policy document to see if the answer is already provided. You don't make a good first impression if you ask a question about the existence of a policy that's already contained in a document that you're required to read before class even begins). However, if any policy is unclear to you, please feel free to ask about it.

Here's what you'll need for the course: (1) our textbook, (2) our Model Rules supplement, (3) access to the Florida rules of professional conduct on the Florida Bar's website, and (4) access to Prof. Reid's Professional Responsibility Canvas website for this semester.

Our textbook. References to page numbers below are to our textbook, Ethical Problems in the Practice of Law – Concise Fourth Edition, by Lerman and Schrag, 2018, ISBN 978-1-4548-9128-4. (If you use the Third Edition, you're responsible for reading whatever is new. Please do not ask me for the assigned reading pages correlated to the Third Edition or for any supplements.)

The Model Rules. References in **bold** below are to the American Bar Association's Model Rules of Professional Conduct (including all Comments to those Rules) reprinted in Ethical Problems in the Practice of Law (latest edition) by Lerman, Schrag, and Gupta (our Rules supplement). When a Rule is assigned, it means that you need to read both the Rule and the Rule's Comments. 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 exam, and no Rule numbers will be mentioned on our exam, you may find it easier to remember the Rule's content if you link it to the Rule's number. Moreover, knowing the number is helpful for class discussion purposes.

Reading. Your reading will consist largely of materials from our text book, Rules and Comments from the ABA's Model Rules of Professional Conduct, and (for many classes) additional reading assignments listed in our Syllabus and/or posted on our Canvas site. Please stay up-to-date with all scheduled reading (according to our syllabus and Canvas site) *whether or not* we get to that day's assignment in class. Please resist the temptation to ask me what we'll cover in the next class. All you need to do is to keep up with the **assigned** reading (see

our syllabus and our Canvas site) and you'll be fine. If we don't cover all the material on the day it's assigned, it is fair game for the next class. However, you should also be ready to discuss whatever has been assigned for the current class's reading just in case we wrap up the prior material and move on to the material that's been assigned for that current day.

You'll be notified of any substantial changes in our syllabus, should any occur. Please do not expect us to cover in class every topic that's contained in the reading. If I believe the material in the reading is self-explanatory or easily comprehensible, I'll likely not take class time addressing it so that we may focus on more difficult or more interesting matters.

From time to time we may have a guest speaker on the issue the reading covers. In that event, we'll likely not cover all of the reading material in class. You'll still be responsible for whatever is assigned. If you have any questions on any of the material not covered in class, please just ask for clarification and I'll be happy to help you.

It's anticipated that for every hour in-class, you'll spend at least two out-of-class hours reading and preparing for in-class instruction/participation. Please plan your time accordingly.

It's not unusual for our Syllabus to change from the start of the semester so please make sure you check on-line for the most up-to-date version. We may spend more time on a particular issue, but we'll get caught up within a day or so. New information in this area of the law is always coming out in the news and I like to address current topics. Please be ready to adapt to changes – that really is one of the “laws” of the legal profession – things are always changing. If there's an interesting current event that concerns Professional Responsibility, we will discuss it.

As explained more fully in the Course Policies section below, please take special note of the following items:

Absences: If you're absent from class, please (you must) email Prof. Reid and let her know that you will be, or were, absent. This applies WHENEVER you're absent – regardless of whether or not you are using up one of the five available absences. Please see more complete information re this policy below. **If you don't email me concerning an absence, that absence will count as two absences, so please make sure you email me.**

Preparedness: If you're not prepared (whether you are on-call or not), please (you must) tell Prof. Reid before class begins and she will not call on you that day. Please understand that the fact that you aren't on-call on any particular day does not excuse you from being prepared in class. Please see more complete information re this policy below. If we have a guest speaker during your on-call day, the speaker is free to call on you.

USING OUR CANVAS WEBSITE:

Please refer to Canvas for the most up-to-date listing of assigned reading for each class.

Please do not ask Prof. Reid for help in using Canvas. Instead, please refer to the following: [Which browsers does Canvas support?](#) Please contact the UF Computing Help Desk at 352-392-4357 or visit <http://helpdesk.ufl.edu/> if you need assistance with clearing your cache and cookies. Where do I go for help with using Canvas? If you are a **Student**, please contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at helpdesk@ufl.edu.

CALENDAR OVERVIEW

week	Mon	Tues	Wed	TH	Fri	Sat	Sun
1	Aug. 13 Class 1	Aug. 14 Class 2	Aug. 15	Aug. 16	Aug. 17	Aug. 18	Aug. 19
2	Aug. 20 Class 3	Aug. 21 Class 4	Aug. 22	Aug. 23	Aug. 24	Aug. 25	Aug. 26
3	Aug. 27 Class 5	Aug. 28 Class 6	Aug. 29	Aug. 30	Aug. 31	Sept. 1	Sept. 2
4	Sept. 3 No class	Sept. 4 Class 7	Sept. 5	Sept. 6	Sept. 7	Sept. 8	Sept. 9
5	Sept. 10 Class 8	Sept. 11 Class 9	Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16
6	Sept. 17 Class 10	Sept. 18 Class 11	Sept. 19	Sept. 20	Sept. 21	Sept. 22	Sept. 23
7	Sept. 24 Class 12	Sept. 25 Class 13	Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30
8	Oct. 1 Class 14	Oct. 2 Class 15	Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7
9	Oct. 8 Class 16	Oct. 9 Class 17	Oct. 10	Oct. 11	Oct. 12	Oct. 13	Oct. 14
10	Oct. 15 Class 18	Oct. 16 Class 19	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
11	Oct. 22 Class 20	Oct. 23 Class 21	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28
12	Oct. 29 Class 22	Oct. 30 Class 23	Oct. 31	Nov. 1	Nov. 2	Nov. 3	Nov. 4
13	Nov. 5 Class 24	Nov. 6 Class 25	Nov. 7	Nov. 8	Nov. 9	Nov. 10 No class	Nov. 11
14	Nov. 12 Class 26	Nov. 13 Class 27	Nov. 14	Nov. 15	Nov. 16	Nov. 17	Nov. 18
15	Nov. 19 Review	Nov. 20 Review	Nov. 21	Nov. 22 Thanksgiving	Nov. 23	Nov. 24	Nov. 25

WEEK 1 For all weeks, please use our Canvas website to access information regarding links to any additional assigned readings. The website will contain the links mentioned below, as well as any additional ones I've added. The listings below may contain a link as well as a pdf file. Please use either one. It's anticipated that for every hour in-class, you will spend at least two out-of-class hours reading and preparing for in-class instruction/participation.

M, Aug. 13 **Class 1** Chapter 1: The Regulation of Lawyers

Read: The Course Policies contained below in this document (and on Canvas).

Read: Text: pp. 19 – 39

Read: **Model Rules Preamble and Scope** The Florida Bar Rules of Professional Conduct: <https://www.floridabar.org/wp-content/uploads/2017/06/2017-RRTFB-Chapter-4-07-01-17.pdf> (Links to an external site.)Links to an external site.

WATCH THE MOVIE/VIDEO: MY COUSIN VINNY prior to our first class if you have not already seen it recently

Review: The 2017-2019 Law Student Professionalism Handbook: Please look through this document and the other links at this site to familiarize yourself with the content. You will not be tested on this information, but you need to know how to access it and you will need it (the most current version of the Rules) when you become a member of the Florida Bar.
<https://www.floridabar.org/prof/presources/presources001/>


T, Aug. 14 **Class 2** Chapter 1: The Regulation of Lawyers

Text: pp. 39 – 55; 613 – 633


Rules and Comments: **8.1, 5.5**

Florida Board of Bar Examiners Rules Relating to Admissions to the Bar – read Rule 3:
<https://www.floridabarexam.org/web/website.nsf/rule.xsp#1-141>

Be prepared to discuss: Oath of Admission to the Florida Bar:
<https://webprod.floridabar.org/wp-content/uploads/2017/04/oath-of-admission-to-the-florida-bar-ada.pdf>

Be prepared to discuss: Converse case (602 N.W. 2d 500) [In re Converse.pdf](#) 

Be prepared to discuss: Fla. Stat. sec. 454.23:
<http://www.flsenate.gov/Laws/Statutes/2016/454.23>


Be prepared to discuss: Preston case [Preston v. Univ of Arkansas Med.pdf](#) 


WEEK 2

M, Aug. 20 **Class 3** Chapter 2: Lawyer Liability

Text: pp. 59 – 90

Rules and Comments: **5.1, 5.2, 5.3, 8.3, 8.4, 8.5**


Be prepared to discuss: Riehlmann case [In_re_Riehlmann.pdf](#) 


Be prepared to discuss: Florida Bar Types of Discipline [Florida Bar Types of Discipline.docx](#) 

T, Aug. 21 **Class 4** Chapter 2: Lawyer Liability


Text: pp. 90 – 100; and 183 – 189

Joyce case default order [2009 WL 3450220](#) (Wis.Cir.) (Trial Order) [Default Order Joyce_v_Pepsico_Inc.rtf](#) 


Joyce complaint [2009 WL 3449949](#) (Wis.Cir.) (Trial Pleading) [Complaint Charles_A_JOYCE_and_James_R_Voigt_Plaintiffs_v_PEPSICO_INC_Carolina_Canners_Inc_.rtf](#) 

Joyce case Pepsico's Motion to Vacate Default Judgment [2009 WL 3450218](#) (Wis.Cir.) (Trial Motion, Memorandum and Affidavit) [Joyce Case Pepsico's Memo in Support of Motion to Vacate Default Judgment.rtf](#) 

Joyce case Affidavit by Pepsico [2009 WL 3449950](#) (Wis.Cir.) (Trial Filing) [Joyce Case Affidavit by Pepsico.rtf](#) 

Joyce case Order Vacating default [Original Image of 2009 WL 4324604 \(PDF\)](#) [Joyce Case Order Vacating Default Judgment.rtf](#) 

Be prepared to discuss: Togstad case – jump ahead in the textbook and read pp. 183-189.


Be prepared to discuss: Landini v. Bil-Jax unpublished Virginia Opinion [VirginiaSupremeCourtLibraryFee140591.pdf](#) 

WEEK 3

M, Aug. 27 **Class 5** Chapter 3: The Duty to Protect Client Confidences

Text: pp. 101 – 133
Rules and Comments: **1.6, 1.18**


The Florida Rule re Confidentiality {"Reid's fixing to die" rule}: 4-1.6b

[https://www.floridabar.org/TFB/TFBResources.nsf/Attachments/0A266C6138C4A15685256B29004BD617/\\$FILE/RRTFB%20Chapter%204.pdf?OpenElement](https://www.floridabar.org/TFB/TFBResources.nsf/Attachments/0A266C6138C4A15685256B29004BD617/$FILE/RRTFB%20Chapter%204.pdf?OpenElement) FLORIDA RULE 4-1.6 confidentiality-1.docx 

Have you told too much? **Be prepared to discuss:** What are you permitted to disclose? What if your client has told you about past criminal conduct? What can you disclose when there's a risk of future injury or death? What would you do if your client told you he/she wanted to commit suicide?

Be prepared to discuss: CONFIDENTIALITY-- Lawyer and client in Tampa – *What would you have done?*

<http://www.tampabay.com/news/publicsafety/crime/police-girl-5-dies-after-father-throws-her-from-sunshine-skyway-approach/2212878>


Tampa lawyer, insane client, child --- read article and listen to 911 report -- there will be gaps of silence and beeps blocking out names in the 911 call, but keep listening to the end of the tape. Listen to what the lawyer keeps on saying about how she could have kept the child with her. The lawyer is Genevieve Torres. The man is in custody, but has not had a trial yet as he has been declared mentally incompetent to stand trial. *Tampa Lawyer and Little Girl with Bridge-1.docx* 


T, Aug. 28 **Class 6** Chapter 3: The Duty to Protect Client Confidences


Text: pp. 134 – 154

Rules and Comments: **1.0, 1.2(d), 1.6, 1.16, 3.3, 4.1, 8.4(c)**

Be prepared to discuss: Look at the Florida Bar Ethics Advisory Opinions (index) and read any of the opinions under Confidentiality that interest you. Be prepared to tell the class about the opinion you've read. <https://www.floridabar.org/ethics/etsubj/> (Links to an external site.)Links to an external site.

Be prepared to discuss: Rico v. Mitsubishi Motors Corp. case [notes left on desk42_Cal.4th_807.pdf](#) 

Be prepared to discuss: O'Leary v. State case (109 So. 3d 874) – Facebook threats [O'Leary109_So.3d_874.pdf](#) 

Be prepared to discuss: Nucci v. Target case (162 So. 3d 146) – Facebook [Nucci162_So.3d_146.pdf](#) 


WEEK 4


M, Sept. 3 **NO CLASS -- LABOR DAY**

T, Sept. 4 **Class 7** Chapter 4: Attorney-Client Privilege and Work Product Doctrine

Text: pp. 155 – 176

Rules and Comments: **1.0, 1.2(d), 1.6, 1.16, 3.3, 4.1, 8.4(c)**

Be prepared to discuss: Hodgson Russ case HODGSON case.pdf 

Florida's Attorney-Client Privilege Rule: Section 90.502 of The Evidence Code:
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0090/Sections/0090.502.html Florida's Attorney Client Privilege Rule.docx 

Be prepared to discuss: What about a 2 year old listening to what Mommy and Mommy's lawyer are speaking about at the lawyer's office? Privileged or not?

Be prepared to discuss: Waiver: Girl costs father \$80,000 with "SUCK IT"
Facebook post:
<http://www.cnn.com/2014/03/02/us/facebook-post-costs-father/>

Tangible Evidence – Prof. Reid's bowling bag hypothetical – to be introduced in class.

WEEK 5

M, Sept. 10 **Class 8** Chapter 11: Concealment of Physical Evidence and Documents


Text: 505 – 518

Rules and Comments: **3.4**

Dead Client's Exculpatory Remarks Are Confidential:

<http://www.nysba.org/CustomTemplates/Content.aspx?id=62009&css=print>
Dead Clients Confidentiality opinion.docx 

Be prepared to discuss: May an attorney disclose to a co-defendant of the attorney's now-deceased client information imparted by the client that might exculpate the co-defendant?

Be prepared to discuss: Man brings dead body to lawyer:
http://www.huffingtonpost.com/2015/03/06/florida-man-body-to-lawyer_n_6815454.html
man brings dead body to lawyers office.docx 

And see: <http://www.news-press.com/story/news/2017/07/17/pine-island-man-who-drove-dead-body-lawyers-office-2015-wont-charged/486265001/> (Links to an external site.)Links to an external site.

T, Sept. 11 **Class 9** Chapter 5: Relationships Between Lawyers and Clients
A. Formation of the lawyer-client relationship
B. Lawyers' responsibilities as agents
C. Lawyers' duties of competence, diligence, honesty, and communication

Text: pp. 177 – 209 (You've already read 184 – 189)

Rules and Comments: **1.1, 1.2, 1.3, 1.4 1.16, 1.18**

WEEK 6

M, Sept. 17 **Class 10** Chapter 5: Relationships Between Lawyers and Clients

Text: pp. 209 – 229; [skip 229 (*Jones v. Barnes*) – 233]; read 237 – 247

Rules and Comments: **1.16, 1.18**

Be prepared to discuss: If YOU were the client, what expectations would you have of your lawyer?

Be prepared to discuss: Breach of Fiduciary Duty
Walter v. Stewart case (67 P.3d 1042) [Breach of Fiduciary Duty Walter v Stewart-1.rtf](#)

Be prepared to discuss: Power of the Judge? Terminating the Relationship Despite Judge's Refusal Fidelity Nat Title Ins Co of New York v. Intercounty NatTitle Ins Co. (310 F. 3d 537) [Terminating the Relationship Despite Judge's Refusal Fidelity Nat Title Ins Co of New York v Intercounty Nat Title Ins Co-1.rtf](#)

Be prepared to discuss: In re: Investigating Grand Jury (887 A2d 257) – crim. law
[InreInvestigatingGrandJury887_A.2d_257.pdf](#)

T, Sept. 18 **Class 11** Chapter 6: Conflicts of Interest: Current Clients

Text: pp. 249 – 271

Rules and Comments: **1.7; 1.10**

WEEK 7

M, Sept. 24 **Class 12** Chapter 6: Conflicts of Interest: Current Clients


Text: pp. 271 – 284

Rules and Comments: **1.7; 1.10**

T, Sept. 25 **Class 13** Chapter 7: Current Client Conflicts in Particular Practice Settings

Text: 285 – 311

Rules and Comments: **1.7, 1.9, 1.10, 1.13**

Be prepared to discuss: Holloway v. Arkansas case (435 U.S. 475) [Holloway v Arkansas.rtf](#) 


WEEK 8


M, Oct. 1 **Class 14** Chapter 7: Current Client Conflicts in Particular Practice Settings

Chapter 8: Conflicts Involving Former Clients

Text: 312 – 329

Rules and Comments: **1.7, 1.9, 1.10**

Be prepared to discuss: Williams v. Waldman case Husband attorney representing both himself and his wife in their divorce. [Williams v Waldman.rtf](#) 

Be prepared to discuss: In re Investigating Grand Jury Lawyer refused to provide confidential information even though government tried to argue attorney-client relationship had ended. [Still a client 887_A.2d_257.pdf](#) 

T, Oct. 2 **Class 15** Chapter 8: Conflicts Involving Former Clients

Text: 329 – 347

Rules and Comments: **1.7, 1.9, 1.10, 1.18**

WEEK 9

M, Oct. 8 **Class 16** Chapter 8: Conflicts Involving Former Clients

Text: 348 – 365

Rules and Comments: **1.7, 1.9, 1.10**

T, Oct. 9 **Class 17** Chapter 9: Conflicts Between Lawyers and Clients

Text: pp. 367 – 397

Rules and Comments: **1.4, 1.5, 1.7, 1.8, 5.2, 5.4, 7.1, 8.3, 8.4**


Be prepared to discuss: Culpepper case – contingency fees
[CulpeppervCole929So2d1224.pdf](#) 

WEEK 10

M, Oct. 15 **Class 18** Chapter 9: Conflicts Between Lawyers and Clients

Text: pp. 397 – 429


Rules and Comments: 1.4, 1.5, 1.7, 1.8, 5.2, 5.4, 7.1, 8.3, 8.4

Be prepared to discuss: Swihart case 517 NE 2d 792 [Sweinhart517_N.E.2d_792.pdf](#) 

T, Oct. 16 **Class 19** Chapter 9: Conflicts Between Lawyers and Clients


Text: pp. 429 – 433


Rules and Comments: 1.4, 1.5, 1.7, 1.8, 5.2, 5.4, 7.1, 8.3, 8.4

Be prepared to discuss: Rinella case 677 N.E. 2d 909 [Rinella677NE2d909sexwithclient.pdf](#) 

Be prepared to discuss: **What is the law in Florida regarding having sex with clients? Look to Florida Bar Rule 8.4.**

<https://www.floridabar.org/rules/rrtff/rule/?num=4-8.4> (Links to an external site.)Links to an external site.

Be prepared to discuss: Inglimo case 305 Wis. 2d 71 [Inglimo305_Wis.2d_71.pdf](#)  This is a very long case. Please scan the first part of it discussing the review board's findings and then focus on the way the lawyer used statutory interpretation to make his claims. The case seems repetitive because the findings of the review board are presented before the court addresses the court's analysis. Please just get a gist of the facts, then turn to how the court applies the relevant rules and statutes. I don't want you spending hours reading this case, but do want you to get a real world look.

Be prepared to discuss: Bryant case 813 So.2d 38 [Bryant sexual conduct with client 813_So.2d_38.pdf](#) 

WEEK 11

M, Oct. 22 **Class 20** Chapter 10: Conflicts Issues for Government Lawyers and Judges

Text: scan pp. 435 – 469 (you will not be tested on these pages);

Rules and Comments: 1.11, 1.12

Be prepared to discuss: Crossen case 450 Mass. 533 [Crossen 450 Mass. 533.pdf](#)
The Crossen case is terribly long. I don't want you to spend hours on it. I do want you to get a gist of the facts and see what some lawyers will stoop to in USING law clerks to gain information about judges. I don't expect you to know everything about this case, but I DO want you to see what goes on out there and have this be a warning to you that there really are people who will stoop to these kinds of actions in an attempt to win a case.

Be prepared to discuss: Judge Murphy case youtube and Fla. Case (Sc14-1582)

[Judge John Murphy Fired for appalling behavior http.docx](#)

[Judge John Murphy Disbarred Court opinion sc14-1582.pdf](#)

Please take the time to go through and look at the youtube, and to read the result of this judge's actions.

T, Oct. 23 **Class 21** Chapter 11: Lawyers' Duties to Courts

Text: 471 – 498

Rules and Comments: 3.1, 3.3

Be prepared to discuss: Podcast From Scientific American on How to Tell If Someone is Lying:

[Podcast From Scientific American on How to Tell If Someone is Lying.docx](#)

http://www.scientificamerican.com/article/how-to-tell-if-someone-is-lying/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email

WEEK 12

M, Oct. 29 **Class 22** Chapter 11: Lawyers' Duties to Courts

Text: 501 – 518

Rules and Comments: **3.1, 3.3**

Be sure to review the Sample Quiz Questions in our Rulebook.

Exam Review Document will be forthcoming. [CANVAS POSTEExamPreparation.docx](#) 

T, Oct. 30 **Class 23** Chapter 11: Lawyers' Duties to Courts

Text: 518 – 538

Rules and Comments: **3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9**

WEEK 13

M, Nov. 5 **Class 24** Chapter 12: Lawyers' Duties to Adversaries and Third Persons

Text: 539 – 568

Rules and Comments: 4.1, 4.2, 4.3, 4.4

Be prepared to discuss: Setting up opposing counsel via vile tactics --
[Diacosummary.pdf](#)  The Stephen Diaco case summary (84 USLW 1052) and
<http://www.tampabay.com/news/courts/tampa-attorney-stephen-diaco-stripped-of-his-law-license-by-florida/2263231>

Be prepared to discuss: Lawyers Facebooking Opponents

T, Nov. 6 **Class 25** Chapter 12: Lawyers' Duties to Adversaries and Third Persons

Text: 539 – 568 (continued)

Rules and Comments: 4.1, 4.2, 4.3, 4.4

WEEK 14

M, Nov. 12 **Class 26** Chapter 12: Lawyers' Duties to Adversaries and Third Persons

Text: pp. 568 – 589

Rules and Comments: **4.1, 4.2, 4.3, 4.4**

Be prepared to discuss: Opinion 07-1 of the Florida Bar (Sept. 7, 2007):
<http://www.floridabar.org/tfb/tfbetopin.nsf/SearchView/ETHICS,+OPINION+07-1?opendocument>

[Client taking documents PROFESSIONAL ETHICS OF THE FLORIDA BAR.docx](#) 

T, Nov. 14 **Class 27** **REVIEW**

WEEK 15

M, Nov. 19 **INDEPENDENT REVIEW**

T, Nov. 20 **INDEPENDENT REVIEW**

WEEK 16

FINAL EXAM

Course Policies

Welcome! I'm Professor Teresa (Tracy) 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 a core course, fundamental to our judicial process: Professional Responsibility. Our course is "officially" described as follows on our law school website:

LAW 6750 **Professional Responsibility and the Legal Profession** Credits: 3

Examines the role of the individual lawyer and legal profession in contemporary society. Topics include the role of the lawyer as advocate, counselor, and officer of the court; the ethical and moral obligations lawyers owe their clients, other lawyers, courts, and society as derived from general ethical and moral principles and as embodied in model rules of professional conduct and the Restatement of the Law Governing Lawyers; and problems encountered in representing particular categories of clients, including individuals, corporations, criminal defendants, and indigents, among others.

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 when you become a member of the Bar. In fact (and as you will learn), 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.** You are responsible for complying with these policies. If you have any questions, please let me know.

Course Objectives

1. To survey and to understand the American Bar Association's Model Rules of Professional Responsibility and the policies underlying those and other rules concerning the ethical obligations of lawyers.
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 help you develop analytical and interpretative skills in applying the Rules to factual scenarios.
5. To help you develop your listening and note-taking skills.
6. To enjoy each other's thoughts and ideas in a non-confrontational setting, with active class participation.

Student Learning Outcomes

Our course requires a personal investment from you in analyzing and considering what it means to “be” and “to act” “like a lawyer.” In our discussions and in your analysis of issues, you’re tasked to consider not only the ethical obligations imposed by and underlying the law, but also the moral obligations you, as a lawyer, have towards yourself, your client, the court, and all other parties/persons involved. To this end, you will:

1. Review and analyze all assigned Rules, Comments, textbook pages, and other readings/videos to develop an articulable, in-depth understanding and definition of the law and policy underlying a lawyer’s ethical and moral obligations.
2. Develop an articulable description of your professional identity, including not only what the law requires of you, but also of what you require of yourself.
3. Understand how your professional identity and ethical obligations influence your analysis of legal and ethical issues.
4. Develop the analytical and interpretive skills necessary to apply the Rules of Professional Responsibility and other relevant laws to factual scenarios, articulate the outcome you believe best conforms to law and policy, and evaluate that outcome in light of your personal values and morals.
5. Develop interpersonal and professional communication skills by actively listening in class, respectfully assessing the validity of what is being offered, and carefully reading/viewing all assigned materials so you’re prepared to share and explain your thoughts and analysis with the class.

Course Limitations

Please understand that this is a survey course in Professional Responsibility and does not address in detail every aspect of every rule governing lawyer professionalism. Our course focuses on the ABA 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 our course is designed to help you in your *actual practice of law*, and is not solely directed towards any professional entry test.

Contacting Professor Reid

Drop in. Please feel free to drop by my office during office hours, or during any time you see that I’m in my room.

Email me. If you’d like to email me, please note that 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. I teach several subjects and I need to know right away which class I'm dealing with re the email.

Call or Text me. I also really like using the telephone to TALK to you and answer your questions. My cell phone is 352-682-4202. Please feel free to **CALL** me (before 9:00 p.m. please), and **please leave a message** if I don't answer. I will return your call and we can address your questions. You may also **TEXT** me. If you **text** me, please indicate **who** you are and that you are in our class. I never want you to be frustrated or confused by what you're studying. Please call me and I'd be happy to discuss the subject with you! This is my personal number, so please don't give it out to others. Thank you!

Course Materials, Assigned Reading, and Preparing for Class

As indicated above in the Syllabus section of this document above, 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 Canvas website. Please see the information above for further instructions regarding assigned reading.

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. *I'd also practice the questions that are at the back of our Rules supplement.*

Regarding your preparation for each class:

- (1) Please bring your textbook and rule book to *each* class (including our first class). If you're unable to secure the books prior to our first class (late order, etc.), please arrange to borrow them from a classmate so you don't fall behind in your reading. If I provide you with a copy of my "class notes," please bring them to each class. Please also bring to class any other document (handout, etc.) I've asked you to bring.
- (2) For *each* class, please check our Canvas site to see if there's any additional material for that class. If so, it's imperative that you read that material and have access to it in class. (Most students find that it works better to print out a hard copy.) If the material contains sample problems, we will "work" those problems in class via an on-call system (explained in more detail below). If you don't have ready access to those problems, you'll be lost.
- (3) 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 and won't be caught off guard. If you're on call, you're responsible for whatever is discussed that day whether it's material "left over" from the day before, what was scheduled, or both.

- (4) 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 Canvas 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.

Honor Code

Our course is subject to all Levin College of Law and University of Florida grade, honor code, and other policies. As stated in our College's policies, academic honesty and integrity are fundamental values of the University community, and our Honor Code "represents a commitment by students to adhere to the highest degree of ethical integrity. Each student who joins the College of Law community is assumed to be trustworthy unless and until proven otherwise."

Moreover, "[s]tudents at the College of Law benefit from the Honor Code because teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of relationships within the community. The Honor Code helps create a community in which students can maximize their intellectual and academic potential." Further, "[t]he Honor Code furthers the goal of the College of Law to serve the public and the profession by producing attorneys dedicated to promoting justice, excellence, and respect for the law. The success of the Honor Code depends upon the diligence with which members of the College of Law community ensure that they, as well as others, uphold the letter and spirit of the Honor Code." Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php> and the law school's policy (quoted in part, above) at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

Commented [RJ1]:

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Final Exam and Grading Policies (including Mandatory Attendance)

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. Subject to the provisions/exceptions below, this exam represents 100% of your course grade. 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 65 multiple-choice questions (with 5 suggested answers to choose from for each question, but with no "none of the above" answer choice, and no "fill in the blank" extra room to explain any answer choice.). For our final exam, 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.

Commented [F4]: Is the final grade 100% based on the final exam? Could you please include that information somewhere in the grading section? (Or, if there are other components of the final grade, what those components are and how they factor in.)

Your Final Grade and Compliance with Course Policies, Including Device Use

Restrictions. With the following three exceptions set forth below, the final exam represents 100% of your final grade:

If a student has been found to have violated the Honor Code, I reserve the right (1) to award that student a failing grade in the course.

I also reserve the right to award, for each instance of occurrence, a full lower course grade (for example, dropping from an A to a B) to any student who (2) demonstrates a lack of in-class preparedness or participation, or (3) violates any of our course policies concerning unauthorized use of laptops or other devices, including cell phones. (Please see the section below regarding laptop and other device use.) For example, if two such instances occur, the student's grade will be dropped from an A to a C. For class participation/preparedness evaluation, I also reserve the right to call on ANY student to answer a question, whether or not that student's group is "on-call" that day.

Delays and/or Exam Accommodations. Any arrangements regarding delaying exams or other accommodations should be addressed to the staff in the Student Affairs office.

Accommodations for Students with Disabilities. Students requesting special 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.

Faculty Grading Policies. In general, faculty policy specifies that the mean grade for all seminars and course sections in which more than 15 students are enrolled must fall between 3.15 and 3.25 (inclusive). The mean grade for a course section is required to fall within the specified range. If 15 or fewer students are enrolled in a seminar or course section, there is no minimum GPA but the mean grade for a course section may not be higher than 3.60. The higher mean grade for courses in which there are 15 or fewer students is recommended rather than mandatory but in no event may the mean grade exceed 3.60. Grades are recorded permanently by the Office of the University Registrar. The GPA is determined by computing the ratio of grade points to semester hours of work attempted in courses in which letter grades are assigned. The law school assigns the following values to each grade:

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Points</u>
A	4.00	A-	3.67
B+	3.33	B	3.00
B-	2.67	C+	2.33
C	2.00	C-	1.67
D+	1.33	D	1.00
D-	0.67	E	0.00

The minimum grade for passing a course in the Juris Doctor program is a "D-" or "S." Grades of "S" (satisfactory) and "U" (unsatisfactory) are given in a few courses, and are not computed in the GPA. A grade of "S" is equal to a "C" or better. "I*" (Incomplete) or "N*" grades recorded on the student record indicate the non-punitive initial term receipt of an "I" or "N." A grade of "I*" or "N*" is not considered a failing grade for the term in which it is received, and it is not computed in the grade point average. However, if the "I*" or "N*" has not been changed by the end of the next term for which the student is enrolled, it will change to "I" or "NG" and be counted as a failing grade and used in computation of the grade point average. "I*" and "N*" grades are not assigned to graduating students; they receive grades of "I" or "NG."

An incomplete grade may be assigned at the discretion of the instructor as an interim grade for a course in which the student has completed a major portion of the course with a passing grade, been unable to complete course requirements prior to the end of the term because of extenuating circumstances, and obtained agreement from the instructor and arranged for

resolution of the incomplete grade. Instructors are not required to assign incomplete grades. The grade of “W” (Withdrawn) may appear when a student drops a course during the semester or is permitted to withdraw without penalty.

Mandatory Class Attendance and Mandatory Notice of Your Absence From Any Of Our Classes. 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 unexcused absence, you will **not be eligible** to take the final exam and you will receive a failing grade in the 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. I understand “life happens” and will consider a reasonable excuse for missing a class. I also understand that some of you may be involved in competitions and other school-related functions. Please let me know about those. FOR ANY ABSENCE, whether or not it is one of the allowable 5 absences, you must email me in a timely fashion and let me know you will be, or were, absent. **If you do not email me, any absence will count as a double absence.**

Classroom Procedures, Policies, and Environment

Attendance Sheets. You’re responsible for signing the attendance sheet for each class. Several different color-coded attendance sheets for each section of the room will be passed from student to student during each class. You will be assigned a color code and will then sign only the sheet that corresponds to your particular section of the room. 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. You are also not permitted (unless I specifically give you permission) to back-date sign any class that you missed. That, too, would be an honor code violation. If I excuse your absence, please write “excused” in the space for the date missed.

On-call and Class Participation. I prefer class discussions to lectures because I genuinely enjoy hearing your opinions! To that end, please be prepared for class. Please read what’s been assigned. You’re responsible for the assigned reading as well as for any material that we haven’t gotten to yet from a prior class. (In other words, it’s no excuse to say you aren’t prepared because you thought we had already moved forward or because you thought we wouldn’t get to the assigned material that day.) I may assign on-call groups. If I do, your group will be on-call for a particular day. However, you’re also required to be prepared for class whether or not your group is on-call.

Here’s how you’ll use the assigned reading in class.

There’s a good reason why Professional Responsibility is a REQUIRED course – there’s a lot to learn! The rules we’ll be studying can be very tricky. You’ll have to stay up-to-date with all reading. If not, you’ll get lost in this course, and it’s very difficult to catch up. Also, if you aren’t current with your reading – including any material posted on our Canvas site for that particular class – you won’t fully be able to follow our class discussions.

The book we'll be using is not a traditional casebook. Instead of illustrating points by having students read lengthy cases, the authors have summarized the relevant cases and have presented them more as examples of a particular problem to be solved. **Please consult our rulebook for sample multiple choice questions to test your knowledge.**

The focus of our class is on *analysis, statutory interpretation, and developing your sense of professional identity*. We'll learn the Rules by *using* the Rules to solve problems (mini-hypothetical cases) and by discussing real-life problems. Our focus is not just an academic study, but is rather a more true-to-life view of how the Rules really work (or don't really work) in practice.

Please take in-class notes. Our class requires you to understand a complicated set of rules which will be presented separately to you, but will then merge in more complex scenarios. It's critical that you understand the rules and reasoning used in solving the hypothetical fact patterns you'll encounter – and those rules and that reasoning are what we will address in class. To be able to pull all the rules together, please take careful notes at every stage – which means during each class.

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 – whether or not your group is on-call. 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 – you'll have “immunity.” 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 – whether or not you are on-call. 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. Again, this policy applies whether or not your group is on-call.

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, please do the following:

- (1) **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. Please just get notes from someone in the class who you trust. There's nothing extra you need to do, so please don't ask me if there's anything extra you need to do. You do not need to “make-up” any on-call time or do extra assignments. **If you fail to send me a timely email regarding your absence, that one absence will be counted as two absences.**
- (2) **if you're late,** please enter the room quietly. I'd much rather you come in late than have you miss the class. (I understand that life happens....) However, not being able to find a parking spot isn't a reasonable excuse, but please come in anyway.
- (3) **if you're ill, please,** please, please take care of yourself. If you have to miss class because of an illness, please email me and I'll excuse your absence – and you don't need to show me a doctor's note. Please do not even offer to provide

me with a doctor's note. If you say you've been ill, then I'll trust that you've been ill. I don't require any further proof. **Your word is your bond.**

- (4) **unless there's an emergency or other necessity**, please do not leave our classroom until class is dismissed. Coming in and out is extremely distracting.

Policies regarding laptop and other device use and impact upon grading. *I really dislike even having to bring up this topic.* 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, incivility, and/or lack of interest. Demonstrating these traits will *not* earn you high regard from your colleagues, partners, judges, clients, or from me.

Please be considerate of others and of me, *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, not to answer/send messages, etc. If you do so, I reserve the right to ask you to leave the room. I don't like to have to ask anyone to leave, but I will do so if this policy is being violated. I also reserve the right to lower your grade (as explained in the "Your Final Grade and Compliance with Course Policies, Including Device Use Restrictions" section above). If you simply cannot resist accessing your computer or other device for non-class related things, then please do not even bring it into our classroom.

If someone around you is violating this policy, please ask him/her to STOP, and if that doesn't work, please tell me and I'll take care of the situation. There's absolutely no need for you to have to put up with the distraction someone else is causing.

What you can expect in class. The classroom environment is very important to me. I don't want anyone to be "afraid" to speak. I will never intentionally seek to offend or embarrass anyone. Please don't embarrass yourself by getting asked to leave the class because you're fooling around on your computer/device while in a graduate, law school class in *Professional Responsibility*.

I'll advance somewhat controversial arguments for discussion purposes to stimulate thought and discussion. 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.

Please be aware that clients will not always be truthful, well mannered, sensitive, or cooperative. If I role play any of those behaviors, please understand it IS only a role play! 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'll want to share your ideas with us, including completing the end of semester course evaluations. Your feedback is important!

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 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. You will be granted immunity for that day with absolutely no penalty.

I'm very much looking forward to this semester. I want you to think for yourself, and to form your own opinions concerning the issues we'll be addressing without feeling pressure to agree with me. I want to learn *from* you, and look forward to doing so!