

SPRING 2020 SYLLABUS

1. Overview. This three-credit course covers lawyers' various obligations to their clients, colleagues, opposing counsel, courts, and the public at large. We will rigorously examine the complex set of authorities—including the Model Rules of Professional Conduct, which—that govern lawyers in their multiple roles. No matter what sort of practice you ultimately have, the issues we explore together in this course will operate in the background of your day-to-day conduct as a lawyer. And this is a particularly interesting moment for the profession as we wrestle with how to adapt existing rules and doctrines to a world in which voluminous, shareable electronic documents are pervasive, both lawyers and clients are highly mobile and part of geographically expansive organizations, and so forth.

2. Required Materials. Our casebook is RUSSELL G. PEARCE, RENEE NEWMAN KNAKE, BRUCE A. GREEN, PETER JOY, SUNG HUI KIM, ELLEN MURPHY & LAUREL S. TERRY, PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH (West 3d ed. 2017). You can find the ABA Model Rules of Professional Conduct at: http://www.abanet.org/cpr/mrpc/mrpc_toc.html. Additional material will be posted on the course's Canvas site. You should be sure to regularly check the course's Canvas site for assignments, reading material, and other course updates.

3. Class Meetings. Our class meets on Mondays and Wednesdays from 3-4:25pm in HH 355C.

4. Office Hours. I will hold office hours after class on Mondays from 4:30-5:30pm. I encourage each of you to stop by during this window. I also am happy to meet by appointment outside of office hours; please email in advance to schedule a mutually convenient time.

5. Contact Information. My office is in Room 312L and my office telephone number is 352-273-0701. My e-mail address is endo@law.ufl.edu.

6. Course Objectives and Student Learning Outcomes. By the end of the semester, you should be able to (1) demonstrate a foundational understanding of the ethical obligations of lawyers; (2) confirm a developing sense of professional identity and professional integrity that incorporates the principles of professionalism and the lawyer's role, and; (3) apply the governing rules, commentary, statutes, and case law to new facts while taking into account the strategic and normative implications.

For admission to the bar of most states (including Florida), you must pass the Multistate Professional Responsibility Exam (MPRE). This class will cover a number of subjects included on the MPRE and may provide some useful background. This course, however, is NOT an MPRE review course.

7. Reading Assignments. You will receive a preliminary list of the reading assignments that correspond to the preliminary course outline in Section 16 below. We generally will discuss one assignment every class but our discussions may carry over into the next session. At the end of each class, I will confirm the next assignment. If you miss class, prepare the next class assignment.

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8. Class Preparation & Participation. The ABA contemplates that you will spend a minimum of six hours per week doing out-of-class work for this course.

In class, I encourage each of you to participate thoughtfully in the discussions. If you are not prepared when you are called on, you may pass on participating. Excessive passing may result in a reduction of your grade by one-third of a point (e.g., from a B+ to a B).

Although grade enhancement will be rare, exemplary class participation may raise your grade by one-third of a point or be used to differentiate among students with the same grade to achieve a curve. Quality, not quantity, is key.

As part of your class participation, you will be expected to complete several ungraded assignments throughout the course of the semester and one graded assignment (the final essay described in Section 11 below). Assignments turned in late may result in a reduction of your grade by one-third of a point.

9. Class Attendance. The ABA requires “regular and punctual” course attendance. Regular attendance is a key element to understanding the material, which will prepare you for the essay, final exam and, ultimately, practice. Attendance will be taken at the start of each session via the sign-in sheet. It is a serious violation of the Academic Honesty policy to sign in other people or to have others sign you in. At minimum, any violation of this policy will result in a reduction of your grade by one-third of a point.

Excessive absence or tardiness also may result in a reduction of your grade by one-third of a point. In keeping with the ABA requirements, failure to attend 80% of the class sessions will result in your being barred from taking the final exam in this course.

Observance of a University-recognized religious holiday does not count as an absence and will not count against your absences. Please be sure to notify me of such absences in advance via email. Likewise, please email me as soon as practicable if a family, medical, or other similar emergency arises so we can address any attendance issues before they lead to one of the outcomes described above.

10. Electronic Devices. You may use a computer or tablet in class to take notes during class. While you are permitted to use a computer or tablet to take notes in class, be sure to be respectful of your colleagues. If you use your electronic device for tasks unrelated to the course, this policy may be changed and you may be subject to a reduction of your grade by one-third of a point. Also, there are several studies that suggest longhand note aids retention and comprehension (*see, e.g.,* <https://doi.org/10.1177/0956797614524581>). You may not use a cell phone during class. You may not record class sessions without advance permission.

11. Exam & Final Essay. The final exam will be a four-hour exam administered on Monday, April 27, 2020, beginning at 1pm. You also must complete a 1,500-word essay, which is due at 11:59pm on Monday, April 20, 2020. The essay assignment will be posted several weeks before it is due.

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12. Grading. Your grade in this class will be based on the final exam (80%) and the 1500-word essay (20%) described above, subject to the provisions of Sections 8–10 above.

The University of Florida Levin College of Law’s mean and mandatory distributions are posted on its website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B (Average)	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

13. Accommodations. I am committed to making our classroom accessible to all members of our community. Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

14. Student Course Evaluations. Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

15. Academic honesty. The legal profession—a self-regulating association—depends on the integrity, honor, and personal ethics of each member. Similarly, academic honesty and integrity are fundamental values of the UF Law School community. You should be sure that you understand and comply with the UF Student Honor Code, available at <https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>, and the Law School’s application of it, available at <https://www.law.ufl.edu/life-at-uf-law/officeof-student-affairs/additional-information/honor-code-and-committee/honor-code>.

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16. Preliminary Course Outline & First Reading Assignment

Introducing Professionalism & Legal Ethics

Introduction to the Subject

Read: Syllabus; CB 1-21 for
the first class

The Basic Elements of Law Practice

Defining the Practice of Law
Creating the Lawyer-Client Relationship
Ending the Lawyer-Client Relationship
Competence

The Business, Technology, and Marketing of Legal Services

Finding Clients
Fees & Billing
Technological Innovation

Attorney-Client Privilege & the Lawyer's Duty of Confidentiality

The Relationship Between the Duty of
Confidentiality & the Attorney-Client
Privilege
Basics of the Attorney-Client Privilege
Basics of the Duty of Confidentiality Under
Rule 1.6

Conflicts of Interest

Simultaneous Representations of Multiple
Clients
Conflicts Between Client's Interests and
Personal or Financial Interests of the
Lawyer
Lawyer Advocate as Witness
Representation Adverse to a Former Client
Lawyer as Third Party Neutrals
Conflicts of Interest in Criminal Cases

The Lawyer's Duties to the Legal System, the Profession, and Non-Clients

Duties to the Court and Other Tribunals
Duties to Third Parties and to the Law
Duties to the Legal Profession

Special Ethical Rules: Prosecutors and Judges

Prosecutors
Ethical Standards for Judges

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What Is the Proper Role of a Lawyer?

The Dominant Conception of the Neutral
Partisan in Historical and Philosophical
Context
Competing Visions of Professional
Morality

Why Do Lawyers Have Special Privileges and Responsibilities?

Professional Privilege
Special Responsibilities

Lawyer Happiness, Career Satisfaction, and Substance Abuse

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17. Certification. Please print this page and sign below to certify that you have read and understand the components of the syllabus.

Signature

Date

(Please print name here)