

SPRING 2021 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—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 other developments in how life and law are structured.

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). Please note that there is a newer edition of the casebook but you should use this one to save on costs. 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 1:15-2:40pm in HH-180. The Zoom link can be found on the course's Canvas page.

4. Office Hours

I will hold office hours via Zoom on Mondays and Wednesdays from 3-4pm. The Zoom link for office hours is separate from that for class. It can be found on the course's Canvas page. I encourage each of you to stop by during these windows. 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.

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7. Assignments

A list of the reading assignments is included at the end of this syllabus. We generally will discuss about 30-35 pages per class. At the end of each class, I will confirm the next assignment. If you miss class, prepare the next set of approximately 30 pages.

Additionally, over the course of the semester (if time permits), there may be several ungraded exercises, which will provide you with opportunities to assess your growing understanding of the course materials and to receive feedback on your progress. While ungraded, satisfactory completion of the exercises is required for passing the course.

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.

Given the public healthy and safety guidelines and the remote participation of some members of the course, you must bring your computer and a pair of headphones to every class so that you will be able to participate in small-group discussions.

Additionally, for those attending in person, be sure to bring your name placard with you and place it on top of your protective seat guard.

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 both the final exam and, ultimately, practice. Attendance will be taken at the start of each session via an electronic sign-in sheet. It is a serious violation of the Academic Honesty policy to sign in for other people or to have others sign in for you or to sign in when you were not actually present.

Excessive absence or tardiness also may result in a reduction of your grade by one-third of a point. 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

As noted above in Section 8, given the public health and safety guidelines and the remote participation of some members of the course, you must bring your computer and a pair of headphones to every class so that you will be able to participate in small-group discussions. You also may use a computer or tablet in class to take notes. While you will need to use your computer to participate in the small-group discussions and you are permitted to use a computer or tablet to

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take notes in class, be sure to be respectful of your colleagues. Additionally, there are several studies that suggest taking 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. Essay

You must complete a 1,500-word essay. The essay assignment will be posted several weeks before it is due and will include instructions on submitting it. The final essay is an opportunity for you to demonstrate your ability to synthesize the materials that we have covered and rigorously explore the doctrinal, pragmatic, and policy implications of the how our system of professional responsibility has been designed. Please review the note on academic honesty in Section 16 below.

12. Exam

The final exam will be a three-hour exam currently scheduled for 8:30am on Wednesday, May 5, 2020. The exam is open book but all answers must be exclusively your own work and no credit will be given for references to authorities that were not in assigned class reading. You may not consult with others about the exam during the exam period except Dean Inman, Dean Mitchell, or other Student Affairs personnel involved in proctoring the exam. Any violation of this instruction will result in a failing grade for the course and may result in being prohibited from sitting for the bar. Please also review the note on academic honesty in Section 16 below.

13. Grading

Your grade in this class will be based on the final take-home essay (33%) and final exam (67%), subject to the provisions of Sections 7, 8, 9, and 16.

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>.

14. 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.

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15. 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/>.

16. Academic Honesty & the Honor Code

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>.

Please also note that all students must comply with the COVID-related public health and safety guidelines and that a failure to do so is considered an Honor Code violation that will result in a failing grade.

17. Remote Learning

Some members of our class will regularly be joining via Zoom or other software. And a portion of our classes will be conducted on Zoom for everybody. For example, the midsemester review class will be a synchronous remote session. Additionally, as noted in Sections 8 and 10, I anticipate we will use Zoom to facilitate small-group discussion in each in-person class. We also might need to move completely to synchronous remote learning due to public health concerns. While a change in modality might require adaptation, my general expectations regarding student preparedness and engagement remain the same. Some additional guidance is provided below.

a. General Logistics

- i. Sign into Zoom using your official University of Florida email address and make sure that your listed Zoom name includes your first and last name, which will help me with attendance and setting discussion groups.
- ii. If you are having connectivity issues or accessibility issues, please email me to let me know.
- iii. Close any other programs, including email programs, other than electronic casebooks, MS-Word, or similar class-related programs.
- iv. Have patience with your self, computer, colleagues, IT personnel, and professor as we work with this (still) new method of classroom instruction!

b. Video

- i. Choose a stationary location where there are minimal distractions
- ii. Turn on your video or webcam when you want to participate unless there are extenuating circumstances (and please know that it is more than understandable if children, pets, or other members of your household pass through)
- iii. Make sure you are well-lit (ideally with the main light source positioned behind the camera) so that others can see you clearly
- iv. Please wear appropriate clothing, as you will be visible when your camera is on

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- v. Make eye contact with the camera when contributing
- c. Audio
 - i. Remember to mute yourself when you're not contributing
 - ii. Speak in a conversational tone
 - iii. Consider using headphones and a mic to prevent feedback or echo (and this will be necessary when using the program while physically present in class)
 - iv. Do not have multiple computers near to each other in the same room or we will get a lot of loud feedback.
- d. Participation tips
 - i. Use the hand-raising function if you want to be called on to participate.
 - ii. Feel free to use the chat window and function to converse with each other about the live class discussion with the caveat that it should not distract you from the live discussion and must be on-point and professional (keeping in mind that I can see the chat and even the private chat messages get recorded too).

18. Reading Assignments

DATE	TOPIC	ASSIGNMENTS
1/20/21	Introduction to the Subject	Syllabus; CB 1-21; Preamble and Scope to MRPC; ABA Model Regulatory Objectives (posted on Canvas)
1/25/21	Defining the Practice of Law	CB 23-56 (stop at D.)
1/27/21	Defining the Practice of Law; Creating & Ending the Lawyer-Client Relationship	CB 56(D.)-71; CB 72(B.)-77 (exclude <i>Westinghouse</i>), 84-99 (exclude <i>Whiting</i>)
2/1/21	Competence	CB 104-38 (stop at D.)
2/3/21	Allocating Decision-Making	CB 150(VI)-78
2/8/21	Finding Clients	CB 179-81, 192(B.)-212, 222-41 (stop at III.)
2/10/21	Fees & Billing	CB 241(III.)-45 (exclude Ross, Richmond, and Glater articles), 249-52, 256-61 (exclude Maynard article), 263-87
2/15/21	Attorney-Client Privilege	CB 289-302 (exclude <i>In re County of Erie</i>), 307(2)-29
2/17/21	Attorney-Client Privilege	CB 330(4.)-53 (stop at IV)
2/22/21	Confidentiality	CB 353(IV)-84
2/24/21	Concurrent Conflicts	CB 385-89 (exclude <i>Rohm and Murray</i>), 393-402 (exclude <i>Sanford</i>), 408-414 (exclude <i>Sheppard, Mullin</i>), 421-31, 434-37 (stop at V)
3/1/21	Successive & Imputed Conflicts	CB 437(V)-440 (exclude <i>Westinghouse</i>), 445-448 (exclude <i>Babineaux</i>), 453-71 (stop at 1.); 475(B)
3/3/21	REMOTE ASYNCHRONOUS EXERCISE	Material posted on Canvas

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3/8/21	Mid-Semester Review [remote synchronous session]	Review notes; submit review question by 11:59pm on 3/4/2021 via Canvas
3/10/21	Lawyers' Duties to the Court	CB 477-505 (stop at F)
3/15/21	Lawyers' Duties to the Court	CB 505(F)-26 (exclude <i>Yagman</i>); 529 (the Food For Thought box only); 535 (J.)-543
3/17/21	Lawyers' Duties to Third Parties & the Law; Duties to the Legal Profession	CB 544(II)-568 (stop at D.), 579(III)-87
3/22/21	Ethical Standards for Prosecutors	CB 589-97 (exclude <i>McKttrick</i>), 615(C)-16 (exclude <i>Hammad</i>), 622(D)-23, 628(1)-32 (exclude <i>Agurs</i>), 648(2)-651; 654(F)-661 (stop at II)
3/24/21	Ethical Standards for Judges	CB 661(II)-79 (exclude <i>Williams</i>), 688(D)-92 (exclude <i>Williams</i>), 697(F)-700
3/29/21	The Dominant Conception of the Role of Lawyers in Historical and Philosophical Perspective	<p>CB 703-23 (stop at III) as well as individually assigned section on the competing visions [groups will be assigned in alphabetical order based on last name]</p> <ul style="list-style-type: none"> • Group 1 – Moral Relativism: CB 723-33; • Group 2 – Feminist: CB 734-41 (stop at C); • Group 3 – Religious Lawyering: CB 743-44; 764-69; • Group 4 – Racial Justice: CB 771(D)-789 (stop at E); • Group 5 – LBGTQ Rights: CB 789(E)-97 (stop at F), and; • Group 6 – Civics Teacher: 797(F)-806 (stop at IV)
3/31/21	The Professional Privilege	CB 807-45 (stop at Gallagher article)
4/5/21	The Professional Privilege	CB 845(Gallagher article)-76 (stop at II)
4/7/21	Special Responsibilities	CB 876(II)-913
4/12/21	How Technological Innovation Is Reshaping the Delivery of Legal Services	Material posted on Canvas
4/14/21	Lawyer Happiness, Career Satisfaction, and Substance Abuse	Material posted on Canvas
4/19/21	Final Review	Review notes; submit review question by 11:59pm on 4/15/2021 via Canvas

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19. Certification

Please go to the Quiz page on Canvas to certify that you have read the syllabus and to fill out a brief questionnaire.