

Syllabus: Professional Responsibility • Spring 2024

LAW 6750 • Class Number 30615 and Class Number 13772

The University of Florida Fredric G. Levin College of Law

Professor Pedro A. Malavet

(December 18, 2023)

(When using the PDF version of this document, click the “Bookmarks” button to see the outline to navigate within the electronic document and use the embedded hyperlinks.)

Class Number 30615

- Meets Monday, Tuesday & Wednesday, 1:45 p.m. to 2:40 p.m. Holland Hall Room 359.

Class Number 13772

- Meets Monday, Tuesday & Wednesday, 5:00 p.m. to 5:55 p.m. Holland Hall Room 285B.

Office hours:

- General:
 - Monday & Tuesday, 2:45 to 3:45 p.m.
 - Wednesday, Noon to 1:00 p.m.
 - in Holland Hall 337 (ZOOM available upon request if you have to be off-campus).
- By appointment in Holland Hall 337 or ZOOM.

Description

A foundational course on the institutions, rules, laws and doctrines that regulate the practice of law. (3 Credits).

Goals

1. To teach students about the rules of professional responsibility in general, and to research and understand those that apply to them in their practice.
2. To assist students to successfully complete the MPRE and any other bar-related examination on the rules of ethics and professional responsibility.
3. To assist students in their continuing development of their professional identity and integrity.
4. To prepare students to provide legal services in a professional and ethical manner.
5. To prepare students to make the best decisions when faced with professional responsibility choices for which they will bear the consequences.

Objectives and Expected Learning Outcomes

By the end of this course, I expect students to:

1. Learn the fundamental ethical obligations of lawyers;
2. understand the ethical, moral, and policy concerns underlying the law regulating lawyers;
3. identify the proper rule(s) of professional conduct, statutes, common law rules, constitutional provisions and applicable caselaw that apply to their practice of law;
4. be prepared to conduct your own research and analysis of the rules, laws and applicable caselaw as those develop throughout your careers;
5. identify ethical issues in given fact patterns and work through their solutions using the relevant legal rules;
6. be prepared to provide consciously professional and ethical services to your clients throughout your career and in a variety of professional settings;
7. be prepared to make proper choices on matters for which you will bear professional responsibility, including disciplinary, administrative, civil or criminal liability.

Classroom and Study Time-Management

We are scheduled for thirty-nine (39) fifty-five (55) minute sessions. This allows us to complete the ABA-required 2,100 minutes of instruction for a three (3) credit class with a few minutes to spare for review if needed. In addition to the usual 165-minutes of classroom time each week:

- you should allocate about six (6) hours per week to class preparation and review throughout the semester as well as during the examination period.
- The modules on the Canvas page will provide you the units that we will cover, organized by session, week and chapter.
- Preparation time should initially be spent reading the assigned text as well as related Model Rules and commentary pertinent to the day's discussion prior to the class session.
- You should also regularly review your notes and the materials that I post on the course Canvas on eLearning page and fill-in gaps or doubts during office hours.

Required and Recommended Class Materials

Required Class Materials

- Textbook: Lisa G. Lerman, Philip G. Schrag, Robert Rubinson, ETHICAL PROBLEMS IN THE PRACTICE OF LAW, FIFTH EDITION (Aspen 2020).
- ABA Model Rules
 - Lisa G. Lerman, Philip G. Schrag & Anjum Gupta, ETHICAL PROBLEMS IN THE PRACTICE OF LAW: MODEL RULES, STATE VARIATIONS, AND PRACTICE QUESTIONS, 2023 and 2024 Edition, eISBN 979-8-8861-4378-2.
 - [[Click here to view the model rules online](#)].
- Any Canvas handouts designated as required reading.

Recommended But Not Required Class Materials

- Handouts, videos and links and other materials posted on the Canvas page not designated as required.
- Rules Regulating the Florida Bar
 - Online Access: [[click here](#)].
 - Free PDF Download: [[click here](#)].
 - You will only be responsible for the ABA Model Rules for testing purposes in my course. But I will use the Florida rules to illustrate differences between state practices and the ABA Model Rules.
 - I highly recommend that you regularly review the rules in the state in which you will be sitting for the bar examination and expect to practice as part of your bar-exam and general practice preparation.
- FLORIDA BAR PROFESSIONALISM HANDBOOK [FOR STUDENTS] [[click here](#)].
- (I am deeply grateful to Prof. Teresa J. Reid for compiling and generously sharing a wonderful assortment of recommended materials that are mostly Florida-centered.)

Grading & Class Participation & Attendance Basics

- 5% of testing score: *Tell me about yourself* survey and Syllabus quiz.
- 15% of testing score: Completing 90% of daily surveys and all of the group projects.
- 20% of testing score: Completing casebook author, MPRE and MBE quizzes, short answer or essays, satisfactory/unsatisfactory.
- 60% of testing score: Final examination.
- **Adjustments:** Testing score adjusted for class participation, attendance and conduct as detailed below. (20% minimum).

Class Recording & Virtual Attendance

- Recording policies included in detail below are provided in case any recordings are made.
- I do not expect to record any classes nor to set-up virtual class attendance of any kind during this term, unless I become sick but am able to teach virtually. I am, however, ***with my prior approval***, willing to allow a FaceTime (or other system) video buddy in the classroom to assist a classmate facing an emergency situation.
- Class recordings for ADA accommodation and for the benefit of students who may become ill will be managed exclusively by the Office of Student Affairs.

Are you in distress? Please Ask for Help.

- If you are having real-life problems that are affecting your general well-being or your studies, please let someone know. You are most welcome to come to me if you wish to talk about it. Additionally, the Office of Student Affairs, the University Counseling and Wellness Center and UMatterWeCare are good places to start.
- You may also visit the [Florida Bar Mental Health and Wellness Center](#).

Course Information and Policies in Detail

Skills Development Assessments (satisfactory/unsatisfactory)

- Tell me about yourself survey. What are your professional goals?
- Syllabus quiz
- Daily in-class surveys on session topics
- MPRE & MBE sample questions as quizzes
- Short answer or short essay exercises
- Simulations and group exercises or projects

Graded Work

- Completing *Tell me about yourself survey* and *Syllabus quiz*, 5% of testing score.
- Completing at least 90% of the daily class surveys and all of the group projects, 15% of testing score. Surveys will remain open until noon the day after the class.
- Completing designated surveys and low-stakes assessments, satisfactory/unsatisfactory, 20% of testing score.
- Final examination, 60% of testing score.
- **Adjusted by class participation and conduct and professionalism as provided below.** (20% minimum).

Pedagogical Activities and Approach

- Lecture and explanation
- Student reading, research and other class-preparation
- Daily surveys on cases, problems, rules or topics to be discussed
- Instructor-led in-class simulation
- Client interviewing and counselling role play
- Video shown in class or linked on the Canvas page
 - Examples of good professional conduct, bad professional conduct, challenging situations?
- Developing professional relationships.
 - Attorney-self
 - Attorney-client
 - Attorney-employer or partner(s) and other co-workers
 - Attorney-courts and other fora or professional setting

Assessment and Grading

Testing, participation and grading

Testing Score

- **5% Pass Fail Syllabus Quiz & “Please tell me about yourself” survey.** 5% of your testing grade will require you to complete the Syllabus Quiz that will be posted in the course Canvas page. You will have to post a perfect score by the given deadline. Prior to

the deadline, you will be able to take the quiz multiple times until you reach the perfect score. I will also post a separate survey for proper prefix and pronouns, and for some information about yourself that you wish to share with me.

- **15% Completing Class Surveys and Group Projects.** I will use daily Canvas surveys to seek your views on the problems, rules and issues to be addressed in class (I find that Canvas surveys work much better and seamlessly than external polling tools because we are using eLearning every day anyway). I will also assign some group projects that will be partially done in class and partially completed as external assignments.
- **20% Completing the Mandatory Quizzes (Graded Satisfactory/Unsatisfactory).** I will post a series of multiple-choice quizzes throughout the semester and make them available through Canvas. These quizzes will each be worth 5% of your score. Two of the quizzes will be my selection of questions prepared by your casebook authors, which you may find in the rules supplement. The other two quizzes will be similar to questions you will be required to answer on the MPRE and the MBE section of the Bar Exam using the license that the College of Law has purchased for your benefit. These quizzes are also designed to help prepare you for both the MPRE and the Bar Exam. Your scores will be strictly for self-assessment purposes, you need only complete them once to earn the quiz credit.
- **60% Graded Exam.** The remaining 60% of your testing score will be a graded take-home examination with fully open-book access to any source materials; the exam will be administered by the Office of Student Affairs using Exemplify; essay(s) will be character-limited. The exam will consist of Multiple-Choice questions using the casebook authors' samples (taken from your rules supplement and modified by me as necessary, especially to avoid repetition) as well as MPRE sample questions that the College of Law has licensed for your use (these may also need to be edited by me in order to avoid repetition).

Exam Accommodation and Makeup

- Exam accommodation is managed by the Levin College of Law's Office of Student Affairs. Please visit the Office of Student Affairs page to review the College's policies in this regard: [[click here](#)].
- Exam make-ups will be as authorized by me in coordination with the Office of Student Affairs.

Grading Adjustments and Class Participation

When determining your final grades, I will consider class participation, to adjust your testing score, in two ways:

1. **Minimum participation.** (20% of the overall grade). Each student will be required to participate in class discussion, probably at least two to three times during the semester for a large section, and three to six times for a small section—the exact number depends on the size of the class, and will be announced early in the semester—in order to meet *minimum* participation requirements. My basic system for class participation requires that you sign-up to participate in the discussion during an upcoming class, using

a calendar item that will be posted on the course CANVAS page; sign ups will be available for each class session. Signing up should be done during the entire semester. Students may not sign up more than once during each calendar sign-up cycle (please note that Canvas allows me to program that into each round, so it will prevent you from signing up more than once during each round; if you are unable to attend on the scheduled date for a sign up, I will have to cancel that appointment in order to allow you to sign up again during the then-active round). The advantages of this system are that you know you are “on call,” the material that we will be covering, and it only happens a few times during the semester. I will also allow groups to sign up for collaborative participation.

- a. **Credit.** Students who sign-up, are called upon, and answer correctly, get a participation credit, if they are unprepared, they will suffer an automatic deduction. **I may “cold-call” upon students as well, but these will not be counted in the minimum class participation requirement; you must sign-up to earn any credit for those.** Additionally, you may raise your hand to ask or to offer to answer questions at any time. But you must still comply with the minimum participation requirements, unless I instruct you otherwise.
- b. Minimum Class Participation further includes:
 - i. Completing any additional quizzes, surveys or polls that I may assign from time to time on Canvas, in person class or through the ZOOM environment.
 - ii. Regularly accessing the class materials made available in the class Canvas page.
 - iii. The notes in the Canvas modules will give you major discussion points for which you should prepare. All students should review them before class, especially those who have signed up to participate on a particular date.
 - iv. All students must regularly access the Canvas page. Please note that Canvas analytics log each student’s use of the course pages in great detail and I will use that to show your compliance with this requirement.
 - v. Review of any videos that I may assign.
2. **Quality of Participation.** I will consider the quality of student participation and conduct (professionalism) to further adjust final grades, as I deem appropriate.
3. **Current Grading Scale.** The University of Florida follows a letter grade and grade point average system with a maximum letter grade of “A” and a maximum GPA of 4.0. Please visit the University Registrar's site for information on the current grade scale.

[\[https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx\]](https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx)

Letter Grade	Point Equivalent
A	4.00
A-	3.67
B+	3.33
B	3.00

B-	2.67
C+	2.33
C (Satisfactory)	2.00
C-	1.67
D+	1.33
D (Poor)	1.00
D-	0.67
E (Failure)	0.00

4. **College of Law Grading Policy.** The College of Law’s grading policies are published in the [Student Handbook](#). The faculty at the College of Law voted to approve a new grading policy that became effective for the Fall 2020 term.
5. **Grading Scale, Adjusted to the College of Law Mandatory Curve.** This is my personal assessment of and advice about how you should interpret your grades at the Levin College of Law.

Letter Grade	Point Equivalent
A (Excellent)	4.00
A- (Good)	3.67
B+ (Above Average)	3.33
B (Below Average)	3.00
B-	2.67
C+ (Poor)	2.33
C	2.00
C- (Very Poor)	1.67
D+	1.33
D	1.00
D-	0.67
E (Failure)	0.00

General Information and Policies for the Course

Office Hours

- **Schedule.** I will have regular office hours in person in my office, Holland Hall No. 337, on Monday and Tuesday, from 2:45 p.m. to 3:45 p.m., and Wednesday, from Noon to 1:00 p.m. starting on Monday, January 22, 2024. (ZOOM available upon request).
- **ZOOM Link.** Whenever appropriate, I may post a link for ZOOM office hours in the course CANVAS page for easy access.
 - **Meeting Locked.** If you enter the meeting waiting room and find it locked, that means one of two things: (1) I am having a private conversation with another student or (2) I am taking a short comfort break. Please wait as long as there is time left during that office hour window.

Purpose of Office Hours

- Take advantage of office hours as early as possible in the semester. Do not wait until the end of the course to review material and bring your questions to me. Review material regularly, at least as we finish different sections. Additionally, if you feel lost, or if you have doubts that cannot be resolved during class or during the period immediately following it, please do not hesitate to come and see me. Office time is also a good opportunity to explore matters that are not directly related to the material being discussed in class.
- Office hours are also an opportunity for you to become more comfortable with my mandatory class-participation policy. You are encouraged to come by and talk to me during office hours before you sign up to participate in class, or in anticipation of your turn, to chat with me about the material. In the past, I have been pleased to see that students who dread class-participation have really done well by simply “talking it through” with me beforehand.

Private Discussions

- When we need to have a private discussion, I will schedule individual meetings with the student, which will be held in my office or via ZOOM. If we need to have a private discussion during virtual office hours, I will close the ZOOM meeting.

E-mail

You may communicate with me by E-mail, but only for administrative matters and I find that the Canvas messaging system is more reliable for class-related communications and thus encourage you to use it. My address is malavet@law.ufl.edu. E-mail messages from students must include the student’s full name, so that I may ensure that I am communicating with a member of the class. I rarely answer substantive questions by E-mail because I find it a very inadequate medium to discuss course content. I take note of attendance-related messages by making a notation about it on the attendance sheet on Canvas.

Course Page on eLearning on Canvas

This Syllabus and the published weekly/chapter Assignment Modules will be posted in the Canvas course page. I do not place materials on reserve in the library and I will not print out the material posted on Canvas. It is your responsibility to review the [Canvas on eLearning](#) course page regularly for updated class information; this is considered as part of your class participation for my course.

- If you have any problems accessing the Canvas page, please contact me directly via email.
- You can also contact the UF Helpdesk for assistance with Canvas:
 - Available 24 hours a day, 7 days a week
 - (352) 392-HELP (4357)
 - helpdesk@ufl.edu

Class Attendance and Conduct

Attendance is mandatory and the university is mandating that it be in person. Additionally, students arriving late or leaving the room during class are an undue distraction. Roll will be taken electronically using the SeatGen attendance system that is described below. I will allow four (4) unexcused hours of absences per semester on a no-questions-asked basis (provided however that none of them may occur during the last six class days of the semester).

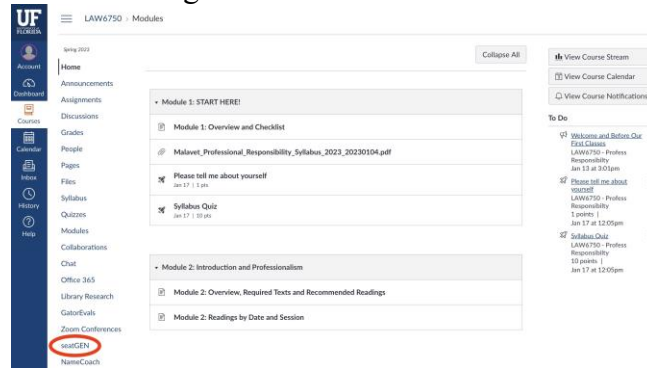
Additionally, I am willing to be flexible about allowing a few excused absences, late arrivals or early departures, for good cause —such as a doctor’s appointment, child-care problem or job interview— *provided* that the good cause is brought to my attention beforehand or as soon as possible thereafter in the case of unanticipated occurrences.

- Excuses must be submitted in writing via E-mail or Canvas message. Students will have no more than seven days after the time of the unanticipated occurrence to bring excuses to my attention, ***unless I send you a specific message about the absence via email or CANVAS message in which case failure to respond within 24 hours will result in my deeming the absence to be unexcused***, and I will not accept any excuses offered after our last session of the semester.
- Students will be required to be on the in-room sitting chart and to remain in their designated seat throughout the semester. Please note that the SeatGen sitting chart system is also used to take attendance as indicated below.
- Chronically late or wondering people: promptness and attentiveness are part of professionalism (and of your final grade).

Attendance On Canvas SeatGen Check In 2.0

- I will use whatever system has been adopted by college law administrators to take attendance. For the spring 2024, I *expect* the Levin College of Law to use the [Canvas plug-in SeatGen Check In 2.0](#).
- To access it the Check In system:
 - **login to [eLearning on Canvas](#),**
 - click on the course list item or dashboard button to go to the Professional Responsibility **course page**,

- click on the **Check In** item at the bottom of the list on the left,
- click on the **Check In** button at the bottom of the SeatGen window that comes up,
- **enter the daily code** that I will write on the white board in the entry space at the top of the next SeatGen window.
 - Click the image below to see a short video tutorial:



- Failure to complete the check in process will be treated as an unexcused absence.
- Providing the daily code to anyone outside the classroom is prohibited.
- SeatGen keeps a good record of individual student attendance for the semester, but it is a very poor system for faculty to track attendance on a daily basis. I will therefore leave the attendance information in SeatGen and not generally transfer it to the Canvas attendance assignment. I will instead simply use the attendance assignment to keep track of specific communications with students regarding excused or unexcused absences.

Law School Class Recording Policy

- Recording policies included in detail here are provided in case any recordings are made.
- I do not expect to record any classes nor to allow virtual attendance of any kind during this term, unless I become sick and am able to teach virtually.
- Class recordings for ADA accommodation and for the benefit of students who may become ill will be managed exclusively by the Office of Student Affairs.
 - The Office of Student Affairs will continue to record classes via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained as required by state law and university policy, but they may not be made available to students for very long, so please advise students to contact the Office of Student Affairs as soon as possible after an absence.
 - ADA accommodations may also require the Office of Student Affairs, as guided by the University ADA office, to record classes for use by individual students with such accommodation.
- Please note that there is separate language regarding [HB-233 class recordings](#) below.

Using ZOOM Technology

- I may use ZOOM for some office hours and appointments during the semester, or, to teach classes if I become ill but am still able to teach virtually.
 - [UF ZOOM Quick-Start](#)
 - [How to Join A ZOOM Meeting on eLearning on Canvas \(pdf\)](#)
 - [How to Join A ZOOM Meeting on eLearning on Canvas \(video\)](#)

No Reasonable Expectation of Privacy but Confidentiality Rules Apply

- Any of our class sessions may be recorded and become available as determined by the Office of Student Affairs via Mediasite as noted above.
- Additionally, I may record classes that I am required to teach via ZOOM if I become ill.
- ZOOM records audio and video of the instructor and anyone who participates in the class will also be heard. It also records your device screen if you share it. The recordings will only be accessible through the ZOOM recordings tab on CANVAS that requires Gatorlink authentication and is available only to students registered in the course, and of course to me.
- There are also “confidence monitors” displaying ZOOM participants in the classroom, at least for the instructor, and perhaps for students in the classroom as well. I may also use an iOS device to provide an additional “confidence ZOOM view” of the student area of the classroom for those attending via ZOOM, and to see and manage ZOOM attendees from the podium.
- You are hereby warned that you do not have a reasonable expectation of privacy in the ZOOM environment relative to having your likeness, voice or the general vicinity of your seat and your device’s screen when shared captured by the video and audio devices that are used for these purposes, whether that is “live” during an in-room class or recorded virtual environment.
- I strongly encourage you to use virtual backgrounds during ZOOM sessions in order to protect your privacy from even accidentally-prying eyes. The College of Law has created some very nice ones that are free to download here: [[Go To LCOL Virtual Backgrounds Page](#)].
- HOWEVER, the video and sound of classes whether “live” during the synchronous class or recorded, are subject to confidentiality laws and regulations including, but not limited to, FERPA. Accordingly, it is inappropriate to share screen or sound “grabs” of any kind produced by any means, or the recordings of the sessions in total or in part, in any way, with anyone outside the class, without the express written consent therefor of everyone participating in the session, including me.
- It is also inappropriate to use ZOOM, whether “live” or as recorded, to bully or to disparage other students in any way within or outside those registered for the class.

ZOOM Etiquette

When you join the Zoom meeting, please use the following rules of video conferencing etiquette:

- Choose a stationary location (meaning you must Zoom in from a computer, not from your phone).
- Choose a location where there are minimal disruptions (e.g. roommates talking and pets jumping on you).
- Dress appropriately for video conferencing.
- Turn off any cell phones and other electronic devices (if you must be “on call” for emergencies, set devices to vibrate).
- Unless specifically related to class, close any computer programs, websites, and email so you can give your classmates and speakers your full attention as well to ensure your personal privacy.
- Do not Zoom in the same room as someone else in the class.
- Unfortunately, Zoom “parties” create horrible feedback noises, so I highly recommend that you wear a headset during the sessions.
- Attendance, now via ZOOM, remains mandatory and you must remain visible on the video screen throughout the class in order to earn attendance credit (you may mute your video or walk away for class breaks, as well as short breaks as needed for personal comfort or if you should be interrupted, or need to assist or attend to someone else, during the class).
- In order to ensure that attendance is tracked properly, you must set your display name on ZOOM to show your first and last name; **you may not use anything else, including but not limited to, numbers or nicknames.** Failure to be properly identified during a ZOOM session will be treated as an unexcused absence.

Electronics During Class

Pagers and cellular telephones should be turned off during class (unless you need to be “on call” for serious matters; in such cases, however, please put the phone or pager on “vibrate only” mode).

Laptop or Tablet Use

Laptop computers and tablets are wonderful tools for class-related note-taking and reference, however, during class time it is inappropriate to use electronics for any other purpose.

Professionalism During Class

Naturally, you are all bound by the Regulations of the University of Florida, UF [Student Conduct & Conflict Resolution](#) system and landing pages, including the [Academic Integrity Module](#), as well as the [Student Honor Code and Student Conduct Code](#), the [College of Law Student Handbook](#) and [Law Student Honor Code](#) and my rules. But more than obeying rules, classroom/ZOOM behavior is about showing proper professionalism. Proper conduct during class is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable, and indeed professionally required, that you demand

professional behavior of your classmates in and out of class. If you see conduct that is unprofessional and that affects your quality of life in the real or virtual classroom or at the college of law, you should privately approach the offending student and ask that they modify their behavior. If private discussion is impractical or unsuccessful, you should bring the matter to the attention of the instructor or an appropriate official at the College of Law or the University of Florida. You should do so privately, though not anonymously, but you are strongly encouraged to bring serious matters to my attention, or that of other pertinent authorities, as soon as possible, so that I, or they, may take appropriate measures, including final grade adjustments.

University Policy on Academic Misconduct

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the new UF [Student Conduct & Conflict Resolution](#) system and landing pages, including the [Academic Integrity Module](#), as well as the [Student Honor Code and Student Conduct Code](#).

Sanctions

Absences, tardiness and any other unprofessional conduct will be initially dealt with on a case-by-case basis as a matter of course grading, at the discretion of the instructor. The imposition of disciplinary measures will follow the process provided in the Regulations of the University of Florida, University [Student Honor Code and Student Conduct Code](#) and the [College of Law Student Handbook](#) and [Law Student Honor Code](#). Serious class disruptions may result in expulsion from the disrupted session. Excessive absences—even if an excuse is offered*—may result in administrative removal of the offending student from the course or in a reduction of his/her grade. Absent waiver, other matters will be referred to the pertinent committee or administrative hearing, without prejudice to the instructor’s normal grading discretion.

- * While I would not reduce someone’s grade for excessive *excused* absences, I might administratively remove them from the course, although I would ensure that this was done on a “passing” basis. I would do this if, in my judgment, the person has missed so much of the semester that they cannot really benefit from the course.

Other University and College of Law Policies

Religious Holy Days.

- Absences due to observance of a religious holy day shall be treated as excused absences. Please inform me via email.

College of Law’s Policy on Religious Holy Days

- The College of Law respects students’ observance of major religious holidays. If an instructor has an attendance policy limiting the number of absences, reasonable alternative means shall be established by the instructor to satisfy the attendance policy and accommodate the religious obligations of the student.

The University of Florida Policy on Religious Holy Days

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances. If a faculty member is informed of or is aware that a significant number of students are likely to be absent from his or her classroom because of a religious observance, a major exam or other academic event should not be scheduled at that time. A student who is to be excused from class for a religious holy day is not required to provide a second party certification of the reasons for the absence.

University Policy on Classroom Accommodation for Students with Disabilities

- Students requesting classroom accommodation must first register with the [Dean of Students Office](#). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations. Students are strongly encouraged to communicate with their professor and with the [College of Law's office of student affairs](#) to ensure that they receive proper accommodation.

Teaching Evaluations: GatorEvals

- 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/>.

HB-233 Class Recordings

The university has issued the following language regarding this statute:

- “Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.
- “ A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part

of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture **does not** include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

- “Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”
- See university guidance on this subject: [[click here](#)].

General Course Etiquette and Netiquette

When participating in class discussion:

- Take what you are about to say seriously
- Be as brief as possible while still making a thorough comment
- Always be respectful of others’ opinions even when they differ from your own
- When you disagree with someone, you should express your differing opinion in a respectful manner
- Do not make personal or insulting remarks
- Do not disparage, bully or otherwise abuse your classmates in any way, including electronically, especially in the ZOOM environment and its related content
- Be open-minded

We Discuss Sensitive Topics

- If you ever feel that a particular discussion will be too difficult, please communicate with me privately so that I may excuse you from the class or make arrangements for alternate participation methods.
- If, however unintended it may be, discussion during our class should upset you as a victim, or for some other reason, please let me know privately or please seek assistance as discussed below.

When communicating electronically you should always:

- Treat the instructor and your classmates with respect, even in email or in any other online communication
- Always use your professors' proper title, which in law school is "Professor," not "Mr.," "Mrs", "Ms." or "Miss," followed by last name
- Avoid the generic use of "professor" without a last name
- Unless specifically invited, don't refer to a member of the faculty by first name
- Use clear and concise language
- Remember that all college of law level communication should have correct spelling and grammar
- Avoid slang terms such as "wassup?" and texting abbreviations such as "u" instead of "you"
- Use standard fonts such as Times New Roman and use a size 12 or 14 pt. font
- Avoid using the caps lock feature AS IT CAN BE INTERPRETTED AS YELLING
- Limit and possibly avoid the use of emoticons like :)
- Be cautious when using humor or sarcasm as tone is sometimes lost in an email or discussion post and your message might be taken seriously or offensive
- Be careful with personal information (both yours and other's)
- Sign your e-mail message with your full name (first and last names) and return e-mail address

Are you in distress? Please Ask for Help.

- If you are having real-life problems that are affecting your general well-being or your studies, please let someone know. You are most welcome to come to me if you wish to talk about it. Additionally, the following resources are available:
- University Resources
 - Office of Student Affairs,
 - the University Counseling and Wellness Center and
 - UMatterWeCare are good places to start.
- Florida Bar Mental Health and Wellness Center
 - The Florida Bar, to its credit, is taking proactive steps to help improve the mental health and wellness of its members. In their own words:
 - The Florida Bar's Special Committee on Mental Health and Wellness of Florida lawyers will work to destigmatize mental illness, recommend best practices and remedies, and help bring more balance into members' daily professional lives. <https://www.floridabar.org/member/healthandwellnesscenter/>

Course Sessions and Modules for Spring 2024

Three Sessions Per Week

We are scheduled for thirty-nine (39) fifty-five (55) minute sessions. This allows us to complete the ABA-required 2,100 minutes of instruction for a three (3) credit class with a few minutes to spare for review if needed.

Subject to Revision

The Modules and Expected Content below are just that, how I *expect* to cover the course. Naturally, they are subject to change based on contingencies and my continuing assessment of the needs of the course. I will update the modules first on the course [eLearning](#) on Canvas page and post updated PDF files there as we progress through the semester.

Model Rules

Unless otherwise expressly indicated, Rules refers to the ABA Model Rules of Professional Conduct [[click here to view online](#)]. When a rule is assigned, you must also read the accompanying comment.

Week and Session Dates	Modules: Readings by Date and Session
<p>Week 0</p> <ul style="list-style-type: none">• Before Classes Start	<p>Module 1: Before Classes Start</p> <p>Welcome to Professional Responsibility for Spring 2024</p> <ul style="list-style-type: none">• I trust that you have all had a good holiday break and are now ready for the new semester of classes.• Please visit the course eLearning on Canvas page when it becomes available starting on January 2, 2024, to complete Module 1 prior to our first class on Tuesday, January 16, 2024. <p>Required: Completing the following work, <i>preferably on or before Noon, Tuesday, January 16, 2024</i>, will get you ready to start classes and accounts for 5% of your Testing Score for the term.</p> <ol style="list-style-type: none">1. Visit the course Canvas page starting January 2, 20242. Review the course Syllabus3. Complete the “Please tell me about yourself” Survey4. Complete the Syllabus Quiz5. Move on to Module 2 for the reading assignments for our first week of classes.

<p>Week 1</p> <ul style="list-style-type: none"> • Tuesday, January 16 • Wednesday, January 17 	<p>Module 2: Readings by Date and Session</p> <p>Week 1</p> <p>Tuesday, January 16, 2024 (Session 1)</p> <ol style="list-style-type: none"> 1. Welcome! <ul style="list-style-type: none"> ○ Course Policies ○ Course Overview and Goals ○ Developing a Professional Identity 2. <i>Developing a Professional Identity</i>: <p>Required Readings:</p> <ul style="list-style-type: none"> ○ Florida Bar Professionalism Handbook, Letter to Students, Introduction, first four unnumbered pages, then pp. 1-9. <i>The rest of this document is only recommended, just look it over.</i> 3. Professional Responsibility: <p>Required Readings:</p> <ul style="list-style-type: none"> ○ ABA Model Rules: Preamble and Scope; <ul style="list-style-type: none"> ▪ Model Rule 8.1 ○ Textbook: Introduction, pp. 1-15 4. Where we are going this semester: <p>Required Readings:</p> <ul style="list-style-type: none"> ○ Handout 1-0, consider this: <ul style="list-style-type: none"> ▪ <i>Problem 1-0: The Midnight Phone Call</i> <p>Wednesday, January 17, 2024 (Session 2)</p> <ol style="list-style-type: none"> 1. The MPRE, preparation and process (guest) 2. The US Legal Profession, History, Exclusions, <p>Required readings:</p> <ul style="list-style-type: none"> • Text: Chapter 1: History and development of the U.S. legal profession, pp. 39-45 <ul style="list-style-type: none"> ○ Lecture: <i>How do other countries do it?</i> • Text: Chapter 1: Diversity and discrimination in the legal profession, pp. 46-64 3. The US Legal Profession, Admission, <p>Required readings:</p> <ul style="list-style-type: none"> • Text: Chapter 1, pp. 17-39 <ul style="list-style-type: none"> ○ <i>Case-studies at pages 27-29,</i> ○ <i>Problem 1-1: Adderall, p. 33</i> ○ <i>Problem 1-2: The Doctored Resume, p. 38</i> ○ (Survey on the case-studies and initial discussion on them and the problems; survey the problems and have a final discussion on Monday). 4. Rules 8.1, 5.5
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Week and Session Dates	Modules: Readings by Date and Session
<p>Week 2</p> <ul style="list-style-type: none"> • Monday, January 22 • Tuesday, January 23 • Wednesday, January 24 	<p>Module 3: Readings by Date and Session</p> <p>Week 2</p> <p>Monday, January 22, 2024 (Session 3)</p> <ol style="list-style-type: none"> 1. The US Legal Profession, Admission, continued Required readings: <ul style="list-style-type: none"> • Text: Chapter 1, pp. 17-39 <ul style="list-style-type: none"> ○ <i>Case-studies at pages 27-29,</i> ○ <i>Problem 1-1: Adderall, p. 33</i> ○ <i>Problem 1-2: The Doctored Resume, p. 38</i> ○ (We will revisit the case studies based on your survey responses, then survey the two problems and finish their discussion). 2. Rules 8.1, 5.5 <p>Tuesday, January 23, 2024 (Session 4)</p> <ol style="list-style-type: none"> 1. Chapter 2. The Legal Profession: Regulation, Discipline and Liability Required readings: <ul style="list-style-type: none"> • Text: Chapter 2: <ul style="list-style-type: none"> A. Institutions that Regulate Lawyers, pp. 65-81; B. State Ethics Codes, pp. 81-86 (background and context) • Text: Chapter 2: C. The disciplinary System, pp. 86-113 <ul style="list-style-type: none"> ○ <i>Problem 2-1: The Dying Mother, p. 97</i> ○ <i>Problem 2.2: Exculpatory Evidence, p. 112</i> 2. Rules 1.2(d), 8.3, 8.4, and 8.5. <p>Wednesday, January 24, 2024 (Session 5)</p> <ol style="list-style-type: none"> 1. Chapter 2. The Legal Profession: Regulation, Discipline and Liability, continued Required readings: <ul style="list-style-type: none"> • Text: Chapter 2: C. The disciplinary System, pp. 113-150 <ul style="list-style-type: none"> ○ <i>Problem 2.3: The Little Hearing, p. 120</i> ○ <i>Case Study: Scott McKay Wolas, p. 125</i> 2. Rules 5.1, 5.2, 5.3, and 8.3.