**Professional Responsibility, Fall 2020**

**Law 6750**

**3 Credits**

**Professor Information:**

Professor Patricia Propheter

Phone: 561-248-6845

Email: propheter@bellsouth.net

Office Hours-office hours will be conducted virtually via Zoom. Set hours will be announced at our first class meeting and can be made by appointment as well.

**Course Description**

This course will give you an overview of the law governing lawyers and allow you to explore the ethical problems lawyers encounter in practice. The course also considers the various professional roles lawyers assume and the moral quandaries they face. The primary focus of the course will be ethical problem-solving. The ultimate goal is to give students the opportunity to begin to develop an informed, personalized, ethical problem-solving methodology as part of a developing individualized professional identity.

**Student Learning Outcomes**

By the end of this course, students will be able to:

• Read and understand the rules, commentary, statutes, and judicial opinions governing the ethical conduct of lawyers.

• Understand the ethical, moral, and policy concerns underlying the law regulating lawyers.

• Identify ethical issues in given fact patterns and work through their solutions using the relevant legal rules.

**Required Text**

The required text for this course is Jefferson, Pearce, Green, Joy, Kim, Murphy, Terry, & Brown, Professional Responsibility: A Contemporary Approach (4th ed. 2020) (You are required to use the 2020 edition, as there have been substantial revisions from the prior edition).

Other materials may be assigned during the semester and will be posted in the Canvas course.

**Classes**

Classes will be held on **Wednesday from 10:15-11:40** and on **Thursdays from 10:40-12:05** in Room 180. Please note the different times for each day.

**Covid-19 Safety Protocol**

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Follow your TA’s guidance on how to enter and exit the classroom.  Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return too campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work.<https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

**Class Preparation, Participation, and Attendance**

**Participation and Preparation:** Class participation counts for 10% of your final grade. In evaluating your class participation, I take into account a number of considerations, including the professionalism and courtesy you display in class, your preparedness in class, and your class attendance. I do not reward students for being relatively talkative; nor do I punish students for being relatively quiet. I do, however, expect everyone to be familiar with the material assigned for a given day, and prepared to discuss it in class if called upon.

**Attendance:**

**In person attendance**-Students are expected to attend class, to be prepared, and to participate in class discussions. It is your responsibility to locate and initial the sign-in sheet for each class session or follow the direction of the TAs assisting with attendance. By signing your initials, you affirm that you are physically present in class during that class period. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

**Remote attendance**-Students participating remotely must have their webcam/video on in order to be counted as in attendance, and are expected to be prepared to participate in class discussion on the same terms as students in the classroom.

Pursuant to ABA guidelines, students who have four (4) or more absences will be barred from taking the final exam and will automatically fail this course. Two or three absences may result in a reduction of your grade as described above, in the section describing grade adjustments for course participation. Absences necessitated by religious holidays are exempted by this policy, so long as you give me advance notice of your absence. More generally, if you are concerned that you may come close to the limit on absences, it is a good idea to keep me informed as to what’s going on, so that we can explore whether some accommodation is possible.

**Electronics in the Classroom**

**Prohibition on Student Recording and Photography and Social Media Posting:**  Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the university’s Office of Student Conduct and Conflict Resolution.

**Cell Phones:** Cell phones should not be used during class, and ringers should be silenced.

**Laptops:** You may use a laptop to take notes, prepare your outline, access Canvas or other online programs when directed and take exams. Please do not surf the web, send emails or IMs, or engage in social media sites during class. Such conduct is unprofessional, and shows a lack of respect for your classmates and me. Such conduct may result in a grade reduction as discussed in the “class participation” section, above.

**Grading**

Final Exam 90%

Class Participation 10%

After course grades have been posted, if you wish to review your exam I will make your exam available along with a model answer. If you wish to speak to me after you have reviewed your exam, you may do so by appointment. For further information on the University’s grading policies and calculation of grade points please see Policy related to Make-up exams or other work

The law school policy on delay in taking exams can be found at: http://www.law.ufl.edu/students/policies.shtml#12.

**Statement related to accommodations for students with disabilities**

Students requesting classroom 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.

**University Policy on Academic Misconduct:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php.

**UF Law Grading Policies**

**Grade Points Grade Point Grade Point**

A 4.0 C+ 2.33 D- 0.67

A- 3.67 C 2.00 E 0.0

B+ 3.33 C- 1.67

B 3.00 D+ 1.33

B- 2.67 D 1.00

The law school grading policy is available at: http://www.law.ufl.edu/students/policies.shtml#9.

**Assignments and Course Schedule (subject to modification)**

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| --- | --- | --- | --- |
| **CLASS** | **WEEK** | **TOPIC** | **ASSIGNMENT** |
|  | 1 | Introduction to CourseProfessionalism and Legal Ethics | Chapter 1 pp. 1-18 |
|  | 1 | Basic Elements of Law PracticeDefining the Practice of Law | Chapter 2 pp. 19-46 |
|  | 2 | Basic Elements of Law PracticeUnauthorized Practice of law | Chapter 2 pp. 47-60 |
|  | 2 | Creating the Lawyer-Client Relationship | Chapter 2 pp. 61-87 |
|  | 3 | Basic Elements of Law Practice Competence | Chapter 2 pp. 88-116 |
|  | 3 | Basic Elements of Law PracticeRelationship Between Lawyer and Client  | Chapter 2 pp. 117-144 |
|  | 4 | Business, Marketing and TechnologyMarketing, Solicitation and Advertising  | Chapter 3 pp. 145-189 |
|  | 4 | Business, Marketing and TechnologyFees and Billing | Chapter 3 pp. 189-214 |
|  | 5 | Business, Marketing and TechnologyAttorney’s Fees | Chapter 3 pp. 215-230 |
|  | 5 | Attorney-Client Privilege Basics | Chapter 4 pp. 231-265 |
|  | 6 | Attorney-Client PrivilegeWaiver and Exceptions | Chapter 4 pp. 266-285 |
|  | 6 | ConfidentialityBasics | Chapter 4 pp. 286-293 |
|  | 7 | ConfidentialityExceptions | Chapter 4 pp. 294-310 |
|  | 7 | Conflicts of InterestAttorney Client Relationship | Chapter 5 pp. 311-341 |
|  | 8 | Conflicts of InterestOther | Chapter 5 pp. 342-363 |
|  | 8 | Conflicts of InterestOther | Chapter 5 pp. 364-380 |
|  | 9 | Duty to Legal System and OthersDuty to Court | Chapter 6 pp. 381-441 |
|  | 9 | Duty to Legal System and OthersDuty to Others | Chapter 6 pp. 442-472 |
|  | 10 | Special Ethics RulesProsecutors | Chapter 7 pp. 473-517 |
|  | 10 | Special Ethics RulesJudges | Chapter 7 pp. 518-552 |
|  | 11 | Proper Role of a Lawyer | Chapter 8 pp. 553-569 |
|  | 11 | Proper Role of a Lawyer | Chapter 8 pp. 569-634 |
|  | 12 | Privileges and ResponsibilitiesProfessional Privilege  | Chapter 9 pp. 635-679 |
|  | 12 | Privileges and ResponsibilitiesResponsibilities | Chapter 9 pp. 679-701 |
|  | 13 | Catch Up-Course Summary |  |
|  | 13 | Final Exam Review |  |