**Professional Responsibility, Spring 2019**

**Law 6750**

**3 Credits**

**Professor John Stinneford**

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 Lerman & Schrag, Ethical Problems in the Practice of Law (4th edition 2016), as well as the 2019 supplement entitled Ethical Problems in the Practice of Law: Model Rules, State Variations, and Practice Questions. Other handouts or materials may be assigned during the semester. You may access supplemental materials and view other course related information on the course TWEN page. You are required to register on TWEN by the end of the drop/add period for the semester.

Classes

Classes will be held on Wednesdays, Thursdays, and Fridays from 2:00-2:50 p.m. in Room 355C. The final exam is tentatively scheduled for May 3 at 1:00 p.m.

Office Hours

My office hours are on Wednesdays from 3:15-5:00 p.m., and by appointment. While you should feel free to stop by without an appointment during office hours, I recommend that you make an appointment to reserve the amount of time that you need, and eliminate wait time. If you are unable to meet with me during my regularly scheduled office hours please send me an e-mail and I’ll be happy to arrange another mutually convenient time.

Contact Information

My office is in Room 379 and the telephone number is (352) 273-0959. My e-mail address is jstinneford@law.ufl.edu. I encourage you to contact me regularly during the semester and to ask any questions that you may have about the course or even more generally about the practice of law.

Grading

Your final course grade will be based principally on a final exam (90%), and will be subject to modification based upon course participation and attendance as described below.

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 in the fall semester. For further information on the University’s grading policies and calculation of grade points please see http://www.registrar.ufl.edu/catalog/policies/regulationgrades.html.

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.

Information on UF Law grading policies

Grade Points Grade Point Grade Point

A (Excellent) 4.0 C+ 2.33 D- 0.67

A- 3.67 C 2.00 E (Failure) 0.0

B+ 3.33 C- 1.67

B 3.00 D+ 1.33

B- 2.67 D (Poor) 1.00

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

Class Preparation, Participation, and Attendance

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Professional Responsibility has 3 “classroom hours” of in-class instruction each week, requiring at least 6 hours of preparation outside of class.

Your grade may be significantly affected (up to one full letter grade) by your class participation. 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.

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. 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.

Pursuant to ABA guidelines, students who have six (6) or more absences will be barred from taking the final exam, and will automatically fail this course. Three to five 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.

Recording Devices and Cell Phones

Use of any recording devices (including audio and/or video) is not permitted in the classroom without my express permission. Cellular telephones should not be used during class, and ringers should be silenced.

Computer Usage: You may use a laptop to take notes, prepare your outline, and take exams. Please do not surf the web, send emails or IMs, look up old crushes on Facebook, shop for autographed Tim Tebow photos on EBay, or generally mess around on your computer. 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.

Study Aids and Supplemental Materials. Many supplements and study aids are available to assist you in mastering the material for Professional Responsibility and the MPRE. You do not need to use or purchase any of them to do well in this course. You may, however, find them helpful. If so, I would recommend two types of supplemental aids: (1) those that give you a narrative overview of the subject and explain how the concepts fit together (e.g., Freedman and Smith, Understanding Legal Ethics); and (2) those that help you to apply the Model Rules precisely (e.g., Wendel, Examples & Explanations: Professional Responsibility (Most Recent Edition)). You might be able to find recent editions of these books in the library, but be careful about using older editions—the law governing lawyers is a rapidly changing area of law! Also, be careful not to overwhelm yourself with materials specifically designed to prepare you for the MPRE—they often discuss material we do not cover in class.

Assignments

Below are the expected reading assignments. Please note that this plan is subject to change. I reserve the right to modify the assignments from time to time, and to utilize additional handouts and materials. All assignments are from the required texts, unless otherwise noted.

Introduction and Chapter 1: The Regulation of Lawyers

1. CB pp. xxxiii-xxxvii & 1-41

2. CB pp. 42-63.

Chapter 2: Lawyer Liability

3. CB pp. 65-79

4. CB pp. 79-101

5. CB pp. 101-119

6. CB pp. 119-140

Chapter 3: The Duty to Protect Client Confidences

7. CB pp. 141-163

8. CB pp. 163-181

9. CB pp. 181-196

Chapter 4: The Attorney-Client Privilege and the Work Product Doctrine

10. CB pp. 197-218

11. CB pp. 219-238

Chapter 5: Relationships between Lawyers and Clients

12. CB pp. 239-256

13. CB pp. 256-282

14. CB pp. 282-301

15. CB pp. 301-328

Chapter 6: Conflicts of Interest: Current Clients

16. CB pp. 329-356

17. CB pp. 356-375

Chapter 7: Current Client Conflicts in Particular Settings

18. CB. 377- 405

19. CB pp. 405-426

Chapter 8: Conflicts Involving Former Clients

20. CB pp. 427-453

21. CB pp. 454-475

22. CB pp. 454-475

Chapter 9: Conflicts Between Lawyers and Clients

23. CB pp. 477-495

24. CB pp. 496-514

25. CB pp. 514-534

26. CB pp. 534-554

Chapter 11: Lawyers’ Duties to Courts

27. CB pp. 597-613

28. CB pp. 613-628

29. CB pp. 628-640

30. CB pp. 640-655

31. CB pp. 655-672

32. CB pp. 672-685

Chapter 12: Lawyers’ Duties to Adversaries and Third Persons

33. CB pp. 687-702

34. CB pp. 702-717

35. CB pp. 717-719; 738-743