REQUIRED BOOKS


GENERAL INFORMATION

Office: Room 358
Telephone: (205) 348-2866
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Office Hours: Thursdays, 10:45 a.m.-noon

COURSE OVERVIEW

This course provides an overview of the law governing lawyers, exploring some of the ethical problems that lawyers encounter in practice. Toward that end, we will study lawyers’ ethical duties and responsibilities to clients, the courts, third parties, and the legal system. The course will focus primarily on the subjects that are most likely to arise during the first years of an individual’s law practice. The approach to this course is problem-based to encourage thoughtful discussion of ethical issues in law practice. This course focuses on the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, and other applicable provisions, including case law. The basic goals of this course are threefold: (1) to heighten students’ ethical awareness, sensitivity, and judgment, (2) to prepare students for some of the ethical issues they may face in the practice of law, and (3) to provide a foundation of the basic materials required to pass the Multistate Professional Responsibility Exam (MPRE).
COURSE INFORMATION

Class Attendance and Participation

Students are expected to have read the assigned reading. Class discussion will commence with the assumption that everyone is thoroughly familiar with the assigned reading.

Class attendance and participation are mandatory. A student may miss class only for good cause as defined in the law school’s policies. I reserve the right to circulate an attendance sheet, regularly or occasionally, to monitor attendance. If you do not initial the attendance sheet, you are considered absent, regardless of the reason for your absence. (Please note: It is a violation of the school’s Honor Code to sign in for someone else.) The law school’s policies provide that a student who is absent for any reason from more than three class hours per semester credit hour in a course may be dropped from the roll or not allowed to sit for the exam and receive an “F” for the course. If a student’s absences exceed three class hours per semester credit, the Dean, after consulting with the professor, will determine whether the student will be withdrawn without a penalty or not be allowed to sit for the exam and receive an “F” for the course. Students who are tardy or unprepared also will be treated as absent. If the combination of your absences, tardiness, and unpreparedness is approaching the maximum number of permitted absences, you must contact me. The Honor Code provides that “Knowing failure to report having missed more than a certain number of classes to an Instructor who specifically requires all Students to do so constitutes an Honor Code violation.” If you believe that you will need to miss an unusual number of classes, please contact the Dean of Students/Academic Services to discuss your options.

Special Note: You may have an occasion when you have been unable to prepare for class. I would rather have you attend class unprepared than to skip class. Accordingly, each student has three non-transferable passes this semester. If you are unprepared, simply let me know before class and I will not call on you. You need not provide a reason. The pass may not, however, be invoked during class—you must notify me before class begins. If you attempt to invoke your pass during class without notifying me before class begins, you will be treated as unprepared for class and the lack of preparation will count as an absence.

GRADING

Subject to the provisions under “Class Attendance and Participation” above, your grade will be determined by your performance on the final examination, which will be a three-hour, closed-book exam that is 50% essay and 50% multiple choice. The final examination is currently scheduled for Wednesday, December 4, at 9:00 a.m.
ELECTRONIC AND PHOTOGRAPHIC DEVICES

Recording, photographing, or any other form of electronically preserving or posting any portion of any class meeting is permitted only with the professor’s advance written permission; doing so without permission is prohibited.

Cellphones, PDAs, and similar devices must be turned off during class. You may not send or receive calls, text messages, instant messages, or the like during class. Anyone whose use of such an electronic device interferes with the classroom learning experience may be asked to leave class and will be considered absent for that day.

Laptops are permitted in class solely for taking class notes. You may not use your laptop for any other purpose during class. Anyone whose laptop use interferes with the classroom learning experience may be asked to leave class and will be considered absent for that day. Laptops must be set up before class begins.

DISABILITY POLICY

If you have a disability that requires accommodation (for classes, exams, or both), please contact the Dean of Students/Academic Services.

NONDISCRIMINATION POLICY

The University of Alabama does not discriminate on the basis of genetic information, race, color, religion, national origin, sex, sexual orientation, age, disability or veteran status in admission or access to, or treatment of employment in, its programs and services. As an academic community, our educational mission is enhanced by the robust exchange of ideas that occurs within a diverse and inclusive learning environment, with a diverse student body, faculty, and senior level administrative staff. We are dedicated to the pursuit of personal and academic excellence, to advancing the ideals of individual worth and human dignity, and to maintaining a nurturing and respectful learning environment. Individuals who live, work, teach, and study within this community are expected to contribute positively to the environment and to refrain from behaviors that threaten the freedom or respect that every member of our community deserves.

HONOR CODE

The Honor Code governs your conduct in this class. “The goal of the Honor Code is to ensure that no student gains an unfair advantage in law school over another student and to promote those ideals of honor and integrity that are germane to the practice of law. Pursuant to this goal, all students while enrolled at the University of Alabama School of Law shall refrain from intentionally lying, cheating, stealing, or tolerating such action by another and shall refrain from other reprehensible acts.”
CLASS SESSIONS AND ASSIGNMENTS

The reading assignments for this class are set forth below. The assigned readings are due as of the time the first class of that week begins. Assignments are subject to change or supplementation. All casebook readings include the ABA Model Rules of Professional Conduct and/or ABA Model Code of Judicial Conduct provisions listed under “Reading Assignment” on the first page of each casebook chapter. Those rules and provisions are found in the Dzienkowski rules supplement (the second required book).

Week of August 12
Topic: Introduction/Overview
Assignment: Chapter 1 in the casebook (prepare reading for August 15 class)

Week of August 19
Topic: Regulating Lawyers’ Ethics
Assignment: Chapter 2 in the casebook (prepare reading for August 20 class)
Special Note: Class on Friday, August 23 will meet in Room A225

Week of August 26
Topic: Advertising and Solicitation
Assignment: Chapter 4 in the casebook (prepare reading for August 27 class)

Week of September 2
Topic: The Lawyer-Client Relationship
Assignment: Chapter 3 in the casebook (prepare reading for September 3 class)

Week of September 9
Topic: Attorney Fees and Fiduciary Duties
Assignment: Chapter 5 in the casebook (prepare reading for September 10 class)

Week of September 16
Topic: Competence and Diligence
Assignment: Chapter 6 in the casebook (prepare reading for September 17 class)

Week of September 23
Topic: Confidential Information and Candor
Assignment: Chapters 7 and 8 in the casebook (prepare for September 24 class)

Week of September 30
Topic: Fairness in Litigation
Assignment: Chapter 9 in the casebook (prepare reading for October 1 class)
Week of October 7
Topic: Conflicts of Interest, Part I
Assignment: Chapter 11 in the casebook (prepare reading for October 8 class)

Week of October 14
Topic: Conflicts of Interest, Part II
Assignment: Chapter 12 in the casebook (prepare reading for October 15 class)

Week of October 21
Topic: The Lawyer’s Roles
Assignment: Chapter 13 in the casebook (prepare reading for October 22 class)

Week of October 28
Topic: Bias In (and Out of) the Courtroom
Assignment: Chapter 10 in the casebook (prepare reading for October 29 class)
Note: No class Thursday, October 31 and Friday, November 1—Fall Break

Week of November 4
Topic: Judicial Conduct
Assignment: Chapter Fourteen in the casebook (prepare reading for November 5 class)

Week of November 11
Topic: Judicial Conduct (continued)
Assignment: Chapter Fourteen in the casebook (continued)

Week of November 18
Topic: Review Sessions