Legal Profession  
University of Alabama School of Law  
Mon. & Wed., 2:00-3:15 PM, Rm. 188  
Spring 2016

**Important Notice:** In Alabama, you cannot take the Multistate Professional Responsibility Exam (MPRE) more than 12 months preceding the Alabama Bar Exam. **Unless you will take the bar exam Alabama before March 2017, do not sign up for the March 2016 MPRE exam.**

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**Office Hours:**  
Tue 10:00 AM to 12:00 PM  
Mon & Wed 3:15-4:00 PM  
Room 357

**Course Summary:**  
Every law student at an ABA-accredited law school must take a course like this one, whether it is called Legal Profession, Professional Responsibility, or Legal Ethics. The idea of the course is to prepare you to practice law in compliance with the rules of professional conduct, as well as to help you learn how to make principled choices and steer your career to satisfying places. This course attempts to provide you with enough training in professional responsibility to meet your needs as a new lawyer.

This course satisfies the law school and the ABA requirement for a professional responsibility course, and it will help you prepare for the MPRE. This course alone may not be sufficient for that purpose—particularly if you plan on taking the exam many months after taking this course. Any MPRE material we do not cover can be picked up through materials and courses provided by the commercial bar-preparation companies (often offered free of charge) and/or through independent study.

**Textbooks:** (1) Lerman & Schrag: Ethical Problems in the Practice of Law (2012, 3rd Ed.) (2) Lerman et al., Ethical Problems in the Practice of Law: Model Rules, State Variations, and Practice Questions (2015-16). Rental copies of the primary textbook are available online for around $35. You can typically find used copies of the model rules through numerous online retailers for around $30.

**Course Format and Expectations:**  
All course requirements are included in this syllabus. You should come to every class prepared to discuss the assigned material. For each class, I will typically assign 2-3 ethical scenarios for you to read (labeled “problems” in weekly assignment lists below). We will spend the majority of each class discussing these scenarios. I will also expect you to be familiar with the rules assigned for each class.

We will be using traditional Socratic Method this semester. I use Socratic Method to ensure that students have taken the time to read the material for each class. I promise that I will make this process as stress free as possible (more details to follow during our first
As long as you are generally familiar with the material assigned for each class, you should have no issues whatsoever. If for some reason you are unable to complete the class reading on a given day, please email me in advance so I can avoid calling on you.

If you cannot attend a class, please do your best to email me in advance. I will determine your grade for the class based on a three hour, in-class exam examination at the end of the semester. This exam is open notes. You may use the textbook and any personal notes. You may also use your computer to type your exam answers. I will provide more details on the exam later in the semester. I will grade all exams anonymously.

Course Webpage:
I have created a class TWEN page available at http://lawschool.westlaw.com/. There you will find this syllabus and any other supplemental material. I will also use this webpage to make announcements. I will also use this webpage to email you if an emergency requires me to cancel (or delay the beginning of) class. It is very important that you sign up on TWEN and that you use an email address you check regularly when you sign up. Do not use your UA email address if you do not check it daily.

Attendance:
Class attendance is mandatory. A roll sheet will be circulated each day. If you do not sign it, you are absent, regardless of the reason for your absence. I am required to follow the law school's attendance policy, which states: “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.” For this 3-credit class, that means no more than 9 absences.

If the total number of classes you miss approaches the maximum, please come and talk to me. Should something occur that you believe will cause you to miss an inordinate number of classes, please contact the Associate Dean for Academic Affairs to discuss your options.

Reading Schedule:

Class #1:
**INTRODUCTION; BAR ADMISSION; REGULATION OF LAWYERS**
Reading: pg. 52-78; problems 1-2 (Weed) and 1-3 (Doctored Resume);
skim page 1-52 for background information as needed
Supp: Preamble, Rules 1.0-1.1

Class #2:
**LAWYER LIABILITY; REPORTING MISCONDUCT BY OTHER LAWYERS**
Reading: pg. 79-111; problems 2-1 (I’m Not Driving) and 2-2
(Exculpatory Evidence)
Supp: Rules 8.3-8.4
Class #3: **LAWYER LIABILITY CONTINUED**
Reading: pg. 111-148, 154-55; problem 2-3 (The Little Hearing)
Supp: Rules 3.8(d), 5.1, 5.2, 5.3, 8.3, 8.5

Class #4: **CONFIDENTIALITY**
Reading: pg. 159-179 (top); problems 3-1 (Your Dinner with Anna 1), 3-2 (Your Dinner with Anna 2), and 3-3 (The Missing Person 1)
Supp: Rule 1.6

Class #5: **CONFIDENTIALITY CONTINUED**
Reading: pg. 179-198 (middle); problems 3-4 (The Missing Person 2) and 3-4 (The Missing Person 3); *Spaulding* case
Supp: Rule 1.6(b)

Class #6: **CONFIDENTIALITY CONTINUED**
Reading: pg. 201-228; problems 3-9 (Reese’s Leases) and 3-10 (An Investment Project)
Supp: Rules 1.0(f), 1.2(d), 1.6(b), 1.16(a)-(b), 3.3, 4.1, 8.4(c)

Class #7: **RELATIONSHIPS BETWEEN LAWYERS AND CLIENTS**
Reading: pg. 279-312, *Togstad* and *Strickland* cases, problem 5-1 (The Washing Machine)
Supp: Rules 1.1, 1.3, 1.4, 6.2

Class #8: **RELATIONSHIPS BETWEEN LAWYERS AND CLIENTS CONTINUED**
Reading: pg. 312-346, problems 5-2 (Lying to Clients) and 5-3 (Torture); *Jones* case
Supp: Rules 1.0(d), 1.2, 1.4, 1.16(b), 2.1, 8.4(c)

Class #9: **RELATIONSHIPS BETWEEN LAWYERS AND CLIENTS CONTINUED**
Reading: pg. 346-366, 370-72, 374-77 (skip problems 5-6, 5-7, and 5.8); problems 5-4 (The Package Bomber) and 5-5 (Vinyl Windows)
Supp: Rules 1.2, 1.4, 1.14, 1.16

Class #10: **CONFLICTS OF INTEREST: CURRENT CLIENTS**
Reading: pg. 379-407; problems 6-1 (The Injured Passengers, Scene 1) and 6-2 (I thought You Were My Lawyer!)
Supp: Rules 1.0, 1.7, 1.10

Class #11: **CONFLICTS OF INTEREST: CURRENT CLIENTS CONTINUED**
Reading: pg. 307-420, 423-39 (skip problems 6-4, 6-6, and 7-1); problem 6-3 (The Injured Passengers, Scene 2), 6-5 (Top Gun), and 7-2 (My Client’s Subsidiary)
Supp: Rules 1.7, 1.10, 1.13
Class #12: CONFLICTS OF INTEREST: CURRENT CLIENTS CONTINUED  
Reading: pg. 439-469 (skip problem 7-1); problems 7-3 (Police Brutality Scene 1), 7-4 (Police Brutality, Scene 2), 7-5 (Police Brutality, Scene 3), 7-6 (Representing the McCarthys), and 7-7 (Two Masters)  
Supp: Rule 1.6, 1.7, 1.8(f), 1.9, 1.10

Class #13: CONFLICTS OF INTEREST: FORMER CLIENTS  
Reading: pg. 471-498; problem 8-1 (Keeping in Touch)

Class #14: CONFLICTS OF INTEREST: FORMER CLIENTS CONTINUED  
Reading: pg. 502-505, 515-517; problems 8-3 (A Dysfunctional Family Business) and 8-4 (The Form’s New Partner)  
Supp: Rules 1.7, 1.9, 1.10, 1.0(k)

Class #15: CONFLICTS OF INTEREST: CLIENT V. LAWYER  
Reading: pg. 521-566 (skip problem 9-2); problem 9-1 (An Unreasonable Fee); Brobeck and Fordham case  
Supp: Rules 1.4, 1.5, 7.1, 8.3, 8.4, 5.2, 5.3

Class #16: CONFLICTS OF INTEREST: CLIENT V. LAWYER CONTINUED  
Reading: pg. 566-605; problems 9-3 (An Impoverished Client) and 9-4 (Starting a Business)  
Supp: Rules 1.4, 1.5, 1.8, 1.15, 1.16(d), 5.2, 5.4, 8.3, 8.4

Class #17 CONFLICTS ISSUES FOR GOVERNMENT LAWYERS AND JUDGES  
Reading: pg. 496, 607-615, 620-642 (skip problem 10-1); problems 8-2 (The District Attorney), 10-2 (A Trip to Monte Carlo), and 10-3 (The Judge’s Former Professor)  
Supp: Rules 1.9, 1.10, 1.11, 1.12, ABA Model Code of Judicial Conduct, Canon 2 (especially Rules 2.4, 2.9, 2.11)

Class #18: LAWYER’S DUTIES TO COURT  
Reading: pg. 643-671; problems 11-1 (Your Visit From Paula Jones) and 11-2 (Flight from Sudan, Scene 1)  
Supp: Rules 1.0(d), 1.2, 1.16, 3.1, 3.3, 3.8, 8.4(c)

Class #19: LAWYER’S DUTIES TO COURT CONTINUED  
Reading: pg. 671-683 (skip problem 11-6); problems 11-3 (Flight from Sudan, Scene 2), 11-4 (The Drug Test), and 11-5 (The Body Double)  
Supp: Rules 3.3, 3.4, 4.1, 7.1, 8.4

Class #20: LAWYER’S DUTIES TO COURT CONTINUED  
Reading: pg. 684-700, 703-727 (skip problem 11-8); problems 11-7 (Child Pornography) and 11-9 (A Letter to the Editor)  
Supp: Rules 3.3, 3.4, 3.6, 3.6, 3.7, 3.8, 3.9, 4.1, 4.4, 8.4(c)
Class #21: Duties to Adversaries and Third Parties
Reading: pg. 729-757; problem 12-1 (Emergency Food Stamps)
Supp: Rules 4.1, 4.2, 4.4, 8.4

Class #22: Duties to Adversaries and Third Parties Continued
Reading: pg. 758-762, 764-787 (skip problems 12-2 and 12-5); problems 12-3 (The Break-in) and 12-4 (The Prosecutor’s Masquerade)
Supp: Rules 3.8, 4.1, 4.3, 4.4, 8.4

Class #23: Services to the Poor and Middle Class
Reading: pg. 413-414, 789-824 (skip problem 13-1, but read 13-2 for your information and the questions it raises); problem 6-4 (The Prisoners’ Dilemma)
Supp: Rules 6.1, 6.2

Class #24: Services to the Poor and Middle Class Continued
Reading: pg. 824-846; problem 13-3 (Mandatory Pro Bono Service)
Supp: Rules 6.1, 6.2

Class #25: The Changing Legal Profession
Reading: pg. 889-931 (skip problem 15-2); problem 15-1 (The Job Interview)
Supp: Rules 5.4, 5.5, 7.1, 7.2, 7.3

Class #26: Review

Class #27: Review

Disability Policy:
The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person’s specific requirements. The Law School and the University’s Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact the Associate Dean for Academic Affairs so that the individual’s needs for support services can be evaluated and accommodated in a timely manner.

Nondiscrimination Policy:
The University of Alabama is committed to providing an inclusive environment that is free from harassment or discrimination based on race, genetic information, color, religion, ethnicity, national origin, socioeconomic status, political beliefs, sex, sexual orientation, gender expression, gender identity, age, ability, size, or veteran status. The University of Alabama prohibits any verbal or physical conduct that threatens or endangers the health or safety of any individual or group, including physical abuse, verbal abuse, threats, stalking, intimidation, harassment, sexual misconduct, coercion, and/or other communication or conduct that creates a hostile living or learning
environment. Harassment or other illegal discrimination against individuals or groups not only is a violation of University Policy and subject to disciplinary action, but also is inconsistent with the values and ideals of the University.

**Recording Devices:**
The use of recording devices in class, other than required to accommodate a disability under a plan established with the Associate Dean for Academic Affairs, is prohibited without my written prior permission. If you have another important reason why you need to use a recording device, please talk to me. I prefer students not use recording devices so everyone feels comfortable talking in class.

**Policy on Academic Misconduct**
All students in attendance at The University of Alabama are expected to be honorable and to observe standards of conduct appropriate to a community of scholars. The University of Alabama expects from its students a higher standard of conduct than the minimum required to avoid discipline. At the beginning of each semester and on examinations and projects, the professor, department, or division may require that each student sign the following Academic Honor Pledge: “I promise or affirm that I will not at any time be involved with cheating, plagiarism, fabrication, or misrepresentation while enrolled as a student at The University of Alabama. I have read the Academic Honor Code, which explains disciplinary procedure resulting from the aforementioned. I understand that violation of this code will result in penalties as severe as indefinite suspension from the University.”

See the Code of Student Conduct for more information.

**Severe Weather Guidelines:**
The guiding principle at The University of Alabama is to promote the personal safety of our students, faculty and staff during severe weather events. It is impossible to develop policies which anticipate every weather-related emergency. These guidelines are intended to provide additional assistance for responding to severe weather on campus.

UA is a residential campus with many students living on or near campus. In general classes will remain in session until the National Weather Service issues safety warnings for the city of Tuscaloosa. Clearly, some students and faculty commute from adjacent counties. These counties may experience weather related problems not encountered in Tuscaloosa. Individuals should follow the advice of the National Weather Service for that area taking the necessary precautions to ensure personal safety. Whenever the National Weather Service and the Emergency Management Agency issue a warning, people in the path of the storm (tornado or severe thunderstorm) should take immediate life saving actions.

When West Alabama is under a severe weather advisory, conditions can change rapidly. It is imperative to get to where you can receive information from the National Weather Service and to follow the instructions provided. Personal safety should dictate the actions that faculty, staff and students take.
The Office of University Relations will disseminate the latest information regarding conditions on campus in the following ways:

- Weather advisory posted on the UA homepage
- Weather advisory sent out through UA Alerts to faculty, staff and students
- Weather advisory broadcast over WVUA at 90.7 FM
- Weather advisory broadcast over Alabama Public Radio (WUAL) at 91.5 FM
- Weather advisory broadcast over WVUA-TV/WUOA-TV, and on the website at http://wvuatv.com/content/weather. WVUA-TV Home Team Weather provides a free service you can subscribe to which allows you to receive weather warnings for Tuscaloosa via e-mail or cell phone. Check http://wvuatv.com/content/free-email-weather-alerts for more details and to sign up for weather alerts.

In the case of a tornado warning (tornado has been sighted or detected by radar; sirens activated), all university activities are automatically suspended, including all classes and laboratories. If you are in a building, please move immediately to the lowest level and toward the center of the building away from windows (interior classrooms, offices, or corridors) and remain there until the tornado warning has expired. Classes in session when the tornado warning is issued can resume immediately after the warning has expired at the discretion of the instructor. Classes that have not yet begun will resume 30 minutes after the tornado warning has expired provided at least half of the class period remains.