Overview & Objectives

Welcome to Legal Profession! This course is about the law governing lawyers, as codified in state rules of professional conduct. The objectives of this course are: (1) to prepare you to practice law in compliance with these rules and (2) to help you develop your capacity for ethical reasoning.

The American Bar Association’s Model Rules of Professional Conduct are taught in this course “as a proxy” for state rules of professional conduct because members of this class might ultimately practice in different jurisdictions. In this course, we will cover topics such as admission to practice, the formation and termination of the attorney-client relationship, an attorney’s duties of competence, diligence, and confidentiality, conflicts of interest, lawyers’ duties to courts, the special duties of government lawyers, and access to justice. Apart from satisfying the law school and ABA requirement of a professional responsibility course, this course will help you prepare for the Multistate Professional Responsibility Exam (MPRE). It is not, however, a complete substitute for a commercial test-preparation course or your own independent study.

Required Books


Reading the assigned Model Rules

When an assignment requires you to read a Model Rule, **you should read both the Rule and the comments.** If the comments to a particular rule are voluminous, don’t try to read all of them at once. (Your eyes will glaze over.) Instead, find the comments that are relevant to the topic under discussion. Often there are references in the text to the relevant material, or headings within the comments themselves, that identify the subtopic covered.

Course Format

This is a problem-based course. The textbook includes many problems that we will discuss in class in small groups. Most of the problems put you in the shoes of a lawyer who has to deal with a situation involving both legal strategy and legal ethics, which are sometimes in conflict. Most of the problems are more complex than on-the-spot classroom hypotheticals; they require analysis before the class in which

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2 See [http://judicial.alabama.gov/library/rules/admit6_b.pdf](http://judicial.alabama.gov/library/rules/admit6_b.pdf) for more information about when you should plan to take the MPRE for purposes of admission to the Alabama bar.
the problem will be discussed. For each assigned problem, study the facts carefully, decide what you would do if you were in the shoes of the lawyer, and come to class prepared to discuss and defend the action (if any) that you would take.

To enhance discussion, you will be divided into groups of about six students. Starting in week two, each of you will take turns serving as a “TA for a day” (TAFAD) for your group. When you are serving as a TAFAD, you will be responsible for leading the discussion in your group for all problems assigned that day. I will meet with each of you the day before you serve as a TAFAD, at noon in Room 283, to make sure your analysis of the problem(s) is on the right track and that you are prepared to lead the discussion. (Accordingly, please do not sign-up to serve as a TAFAD on a particular day if you have a conflict at noon the day before that class.) In the first week of class, I will circulate a TAFAD sign-up sheet for week two; in the second week of class, I will circulate a TAFAD sign-up sheet for week three; and so on. I plan to compensate you fully for your additional time in these meetings by holding a few shorter classes during the semester (details TBA).

Course Webpage

I have created a class TWEN page available at http://lawschool.westlaw.com. I will use this webpage to make announcements, post this syllabus, and make supplementary materials (if any) available. You should sign up on TWEN and be sure to check your associated email account regularly.

Attendance

Class attendance is required, and I will circulate a roll sheet each day. You will be considered absent if you do not sign the sheet. I am bound by the law school’s attendance policy, which is available here: https://www.law.ua.edu/academics/curriculum/class-attendance/. If you miss a number of classes approaching the maximum number allowed, you should talk to me.

Laptops/Technology

You are permitted to use laptop computers or similar devices (like a tablet) to take notes because I am aware that students are often most comfortable taking notes this way. However, devices introduce the potential for distraction, and in exchange for permitting notetaking on a device, I expect you not to use your computer or tablet to engage in activities other than taking notes.

Grades

Grades will be determined by a three hour, in-class final exam (consisting of essay-type questions). I retain the discretion to adjust your final grade one grade level (.333) for class participation or lack thereof.

Schedule of Topics and Tentative Schedule of Assignments

Note: These assignments could change. I will send you an email and make an announcement in class if I make any changes.

Class 1  Introduction; Regulation of Lawyers

Text: xxxiii-xxxvii; pp. 1-41
Supp: Introduction
Class 2  Bar Admission

Text: pp. 42-63; problems 1-2 (Weed) and 1-3 (Doctored Resume) (skip problem 1-1)
Supp: Preamble, Rules 1.0-1.1, 8.1

Class 3  Lawyer Liability

Text: pp. 65-96; problems 2-1 (I’m Not Driving) and 2-2 (Exculpatory Evidence)
Supp: Rules 8.3-8.4, 1.6

Class 4  Lawyer Liability continued

Text: pp. 96-133; problem 2-3 (The Little Hearing)
Supp: Rules 3.8(d), 5.1, 5.2, 5.3, 8.3, 8.5

Class 5  Confidentiality

Text: pp. 141-63; problems 3-1 (Your Dinner with Anna) and 3-2 (The Missing Persons, Scene 1)
Supp: Rule 1.6

Class 6  Confidentiality continued

Text: pp. 163-74; problems 3-3 (The Missing Persons, Scene 2), 3-4 (The Missing Persons, Scene 3), and 3-5 (Rat Poison)
Supp: Rule 1.6(b)

Class 7  Confidentiality continued

Text: pp. 175-96, problem 3-6 (Reese’s Leases) and 3-7 (An Investment Project)
Supp: pp. Rules 1.0(f), 1.2(d), 1.6(a)-(b), 3.3, 4.1, 8.4(c)

Class 8  Attorney-Client Privilege and the Work Product Doctrine

Text: pp. 197-238; problems 4-1 (Murder for Hire), 4-2 (A Secret Confession), and 4-3 (Worldwide Bribery)

Class 9  Relationships between Lawyers and Clients

Text: pp. 239-74, problems 5-1 (The Washing Machine) and 5-2 (A Desire to Investigate)
Supp: Rules 1.1, 1.3, 1.4, 6.2

Class 10 Relationships between Lawyers and Clients continued

Text: pp. 274-308; problems 5-3 (Torture) and 5-4 (The Package Bomber)
Supp: Rules 1.2, 1.4, 1.14, 1.16, 2.1, 8.4(c)

Class 11 Relationships between Lawyers and Clients continued
Class 12  Conflicts of Interest: Current Clients

Text: pp. 308-28; problems 5-5 (Vinyl Windows), 5-7 (The Foster Child), and 5-8 (Candid Notes) (skip problem 5-6, Tightening Knot)
Supp: Rules 1.2, 1.4, 1.14, 1.16

Class 13  Conflicts of Interest: Current Clients continued

Text: pp. 329-59; problems 6-1 (The Injured Passengers, Scene 1), 6-2 (Food Poisoning), and 6-3 (I Thought You Were My Lawyer!)
Supp: 1.0, 1.7, 1.10

Class 14  Conflicts of Interest: Current Clients continued

Text: pp. 359-70, 377-92; problems 6-4 (The Injured Passengers, Scene 2), 6-6 (Top Gun), and 7-2 (My Client’s Subsidiary) (skip problems 6-5, 6-7, and 7-1)
Supp: Rules 1.7, 1.10, 1.13

Class 15  Conflicts of Interest: Former Clients

Text: pp. 427-53; problems 8-1 (Keeping in Touch) and 8-2 (Toxic Waste)

Class 16  Conflicts of Interest: Former Clients continued

Text: pp. 454-75; problems 8-3 (A Brief Consultation) and 8-4 (The Fatal Shot)
Supp: 1.0(k), 1.7, 1.9, 1.10

Class 17  Fees

Supp: Rules 1.4, 1.5, 5.2, 5.3, 7.1, 8.3, 8.4

Class 18  Fees continued; client property, lawyer-client business transactions, and sexual relationships

Text: pp. 522-54; problem 9-3 (An Impoverished Client)
Supp: Rules 1.4, 1.5, 1.8, 1.15, 1.16(d), 5.2, 5.4, 8.3, 8.4

Class 19  Conflicts Issues for Government Lawyers and Judges

Text: pp. 555-96; problems 10-1 (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 (with emphasis on Rules 2.4, 2.9, 2.11)

Class 20  Lawyers’ Duties to Courts
Text: pp. 597-631; problems 11-1 (Your Visit from Paula Jones), 11-2 (Flight from Sudan, Scene 1), 11-3 (Flight from Sudan, Scene 2)
Supp: 1.0(d), 1.2, 1.16, 3.1, 3.3, 3.8, 8.4(c)

Class 21 Lawyers’ Duties to Courts continued
Text: pp. 631-49; problems 11-4 (The Drug Test), 11-5 (The Body Double), 11-6 (Refreshing Recollection)
Supp: Rules 3.3, 3.4, 4.1, 7.1, 8.4

Class 22 Lawyers’ Duties to Courts continued
Text: pp. 640-85; problems 11-7 (Child Pornography), 11-9 (A Letter to the Editor) (skip problem 11-8)
Supp: Rules 3.3, 3.4, 3.6, 3.7, 3.8, 3.9, 4.1, 4.4, 8.4(c)

Class 23 Duties to Adversaries and Third Parties
Text: pp. 687-715; problem 12-1 (Emergency Food Stamps)
Supp: Rules 4.1, 4.2, 4.4, 8.4

Class 24 Duties to Adversaries and Third Parties
Text: pp. 717-43; problems 12-3 (The Break-In), 12-4 (The Prosecutor’s Masquerade), 12-6 (A Letter of Commendation) (skip problem 12-5)
Supp: Rules 3.8, 4.1, 4.3, 4.4, 8.4

Class 25 Access to Justice
Text: pp. 365-67, 745-95; problem 6-5 (The Prisoner’s Dilemma), 13-2 (Mandatory Pro Bono Service)
Supp: Rules 6.1, 6.2

Class 26 Restrictions on the Provision of Legal services
Text: pp. 795-813, 822-34; problems 13-3 (Special Education), 14-1 (Do You Need a Lawyer?) (skip problem 13-4)
Supp: Rules 5.5, 6.1, 6.2, 7.1, 7.2, 7.3

Class 27 The American Legal Profession: Past, Present, and Future
Text: pp. 834-71, problem 14-2 (The Job Interview)

Class 28 Optional review

Recording Devices
The use of recording devices is prohibited without my prior permission.
**Disability Policy**

Students with disabilities or special needs are encouraged to contact Claude Arrington, Associate Dean for Academic Affairs (carrington@law.ua.edu) so that any individual needs for support services can be evaluated and accommodated in a timely manner. Please let me know if I can be of assistance as well.

**Policy on Academic Misconduct**

You must comply with the Honor Code, the UA Student Code of Conduct (available here: [http://www.sc.ua.edu/conduct.pdf](http://www.sc.ua.edu/conduct.pdf)), and all applicable University and Law School policies, such as policies prohibiting harassment. I expect that you will strive to meet a high bar for character and professionalism as you prepare to start your legal career.

**A final note**

I am excited to teach you this semester and look forward to getting to know each of you. You can reach me by email or phone, and you should feel free to stop by my office on the third floor.