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 to practice in different jurisdictions.1 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).2 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.

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2 See 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.
Course Format

This is a problem-based course, including problems from the textbook and multiple choice problems in the supplement. Both types of problems are important. The textbook includes open-ended problems that 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 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 ensure a quality discussion, we will use something akin to a “panel” system, in which specific students will have primary responsibility to lead discussion of specific problems from the textbook. I will circulate a sign-up sheet once the Add/Drop period ends.

I will also assign a few multiple choice questions from the supplement every class. These questions are useful because they simulate the kinds of questions you’ll see the multiple choice portion of the final exam (and possibly the MPRE). Unlike most of the problems in the textbook, these problems have definite answers.

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 a laptop or tablet to take notes or to pull up the text of the Model Rules. However, you are not permitted to use any technological device to engage in activities unrelated to the course. Such activities can create negative spillovers and distract your peers sitting nearby, including those who choose to handwrite to avoid distraction. (As Professor Clay Shirky puts it, “[S]creens generate distraction in a manner akin to second-hand smoke.”)

I will work hard to keep you engaged, and I appreciate your efforts to listen, think, and participate meaningfully.

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Grades

Grades will be determined by a **three-hour, in-class final exam** (consisting of essay-type questions as well as multiple choice questions). It will be open book. Per the Registrar’s schedule, the exam is tentatively scheduled for **December 3, 2018 at 9:00 a.m.** It is not a floating exam.

I retain the discretion to adjust your final grade one grade level (.33) for class participation or lack thereof.

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 Grace Lee, Associate Dean for Academic Affairs (glee@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 (Room 355).
Schedule of Topics and Schedule of Assignments for the first two weeks

**Note:** I will post the next batch of assignments sometime during the first week of class.

Class 1  Introduction, Regulation of Lawyers, and Bar Admission

  **Text:** Skim xxxiii-xxxvii & pp. 1-41; read pp. 42-63; problems 1-2 (Weed) (skip problems 1-1 & 1-3)
  **Supp:** Introduction; Preamble, Rules 1.0-1.1, 8.1; practice questions 1(a)-(d)

Class 2  Lawyer Liability

  **Text:** pp. 65-96; problems 2-2 (I’m Not Driving) & 2-3 (Exculpatory Evidence) (skip problem 2-1)
  **Supp:** Rules 1.2, 3.4, 3.8(d), 4.1, 8.3-8.4; skim Rule 1.6; practice questions 2(a)-(b)

Class 3  Lawyer Liability continued

  **Text:** pp. 96-133; problem 2-4 (The Little Hearing)
  **Supp:** Rules 5.1, 5.2, 5.3, 8.3; practice questions 2(c), (d), & (h)

Class 4  Confidentiality

  **Text:** pp. 141-63; problem 3-2 (The Missing Persons, Scene 1) (skip problem 3-1)
  **Supp:** Rule 1.6; practice questions 3(a), (b), & (c)