

Syllabus

Professional Responsibility Course

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COURSE DESCRIPTION: American Bar Association Model Rules and Texas Rules of Professional Responsibility form the framework for study of ethical topics relating to an attorney's relation to the courts and to clients, such as the rights and responsibilities of an attorney, conflict of interest, confidential communications, disciplinary proceedings, and other ethical issues.

COURSE OBJECTIVES: 1) Students learn the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, and selected sections of the Texas Rules. 2) Students effectively prepare to pass the MPRE on the first try. 3) Students expand their ability to engage in nuanced ethical reasoning, deliberation, and debate. 4) Even the unethical and unprofessional students acquire useful information about the consequences of violating the rules that regulate the legal industry. **To achieve these objectives**, we will study the relevant rules and standards, will practice numerous MPRE-like questions, will have a final exam very similar to the MPRE, and will learn the procedures for disbarment, discipline, and malpractice liability. Class sessions also include extended ethical deliberation and debate.

REQUIRED TEXTS: *Glannon Guide for Professional Responsibility*, by Dru Stevenson, SECOND EDITION

AND

500 MPRE Practice Questions for 2019: Professional Responsibility Course Supplement, by Drury Stevenson (available FREE for download on the course web page, or you can purchase an inexpensive print-on-demand copy on [Amazon.com](https://www.amazon.com)). Many students find the printed copy much more convenient. This book is NOT necessary for regular class preparation but will be necessary in preparing for the final exam and will contain sample practice questions resembling those on the exam. DO NOT USE OLDER EDITIONS – the Model Rules changed between editions.

RECOMMENDED (NOT REQUIRED): ABA Model Rules **free online** at:

http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html

(NOTE that Westlaw also has ANNOTATED Model Rules, which add many case examples and citations to state ethics opinions – some students find it helpful; the Restatement (Third) of the Law Governing Lawyers is also VERY helpful).

If you prefer a print copy, I recommend this one: *Professional Responsibility, Standards, Rules and Statutes* (Abridged), by John S. Dzienkowski, **MOST RECENT EDITION**. It includes some of the Texas rules that vary from the Model Rules, with comparison charts.

ASSESSMENT & EXAMINATION: There will be a FINAL EXAM, all multiple-choice questions (200 questions, no essays), based on the Model Rules, all course materials, and class lectures. CLASS ATTENDANCE IS REQUIRED.

NO LAPTOPS OR OTHER COMPUTERS WITH INTERNET ACCESS IN CLASS. For class prep, I recommend that you do the Glannon Guide chapter related to the upcoming class topic before class, and the relevant questions from the Practice Question book to review after the class.

ORDER OF TOPICS

- I. Conflicts of interest - Rules 1.7-1.12, 1.18, 6.1-6.5, related Restatement sections
- II. The client-lawyer relationship, Rules 1.2, 1.4-1.5, 1.13-1.14, 1.16 , related Restatement sections
- III. Litigation and other forms of advocacy, Rules 3.1-3.9
- IV. Competence, Diligence, and Malpractice, Rules 1.1, 1.3, RESTATEMENT (IMPORTANT) §§ 6-7, 48-58
- V. Confidentiality, Atty-Client Privilege, and Work Product, Rule 1.6 & RESTATEMENT (IMPORTANT) §§ 68-93
- VI. Regulation of the legal profession, Rules 5.1-5.7, 8.1-8.5
- VII. Communications about legal services, Rules 7.1-7.6
- VIII. Counselor (Rules 2.1-2.4); Organization as Client (Rule 1.13)
- IX. Transactions with Persons Other Than Clients, Rules 4.1-4.4
- X. Safekeeping Property, Rule 1.15
- XI. Code of Judicial Conduct – one-class overview, if we have time

Floater Class – Moral Philosophy

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps<<http://www.uh.edu/caps>>) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

In accordance with UH System [Sexual Misconduct Policy](#), your instructor is a “responsible employee” and is required to report any instance, occurring during a student’s time in college, of sexual assault, stalking, intimate partner violence, sexual exploitation, sexual intimidation or sexual harassment about which they become aware during this course through writing, discussion, or personal disclosure. More information can be found at the UHS sexual misconduct prevention and awareness website, [Salutations](#) at <http://uhsystem.edu/students/salutations/>. [Salutations](#) contains helpful information such as policy FAQ and confidential resources that are available on and off campus.

I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.