

Professional Responsibility—Online Distance Education Version
Syllabus
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*Introductory Note: With an online course it is very important that you read every document and e-mail/TWEN posting closely, beginning with this syllabus, to ensure that you understand all of the course assignments, procedures, and due dates. Additionally, from time to time there may be changes, reminders, and additional content sent to organize and supplement the course. You are responsible for knowing all such information. This syllabus contains important information about the organization of the course, the requirements and your grade. This is a syllabus, not a contract, and it is **subject to change**. Please refer to TWEN for the most up-to-date course information.*

Organization of the Course

Course Description. Welcome to one of the most important classes in the law school curriculum. More than any other class you will take during your time in law school, this course is about you and your future. The course is designed to acquaint you with lawyers obligations—both as individuals and as members of the legal profession—to the world in which they live. In addition to a discussion of ethical concerns inherent in the practice of law, we will cover lawyer regulation including the Model Rules of Professional Conduct. We also will consider what it means for you to become a member of the legal profession at a time of economic pressure, technological advancement, and international competition. A lawyer's work largely turns upon relationships, namely between the lawyer and client, but also in the connections made with fellow lawyers, other professionals and society in general. This course is your opportunity to reflect upon the lawyer you will become as you build these relationships over the coming years. I consider it my professional responsibility to do all that I can in this course to ensure that you will be well-equipped for a rewarding and meaningful career in the law. I ask excellence from you; you should expect the same from me.

This course provides an overview of the professional responsibility of lawyers, exploring common ethical problems that lawyers encounter in practice. This course will be taught primarily through the hypotheticals found in the casebook. The hypotheticals are in the form of multiple-choice questions, which conform to the style of the Multi-State Professional Responsibility Exam (MPRE). Our course materials will include topics such as what the ABA MODEL RULES OF PROFESSIONAL CONDUCT require, state variations that are common, the wisdom of various policy choices, how the rules might apply to a hypothetical fact pattern, the pressures that might cause a lawyer to ignore regulatory rules, and the steps that you or others might take to better serve clients and to minimize the chance of a regulatory violation. Although we will study some additional materials, the ABA MODEL RULES OF PROFESSIONAL CONDUCT will be the primary source of regulation covered in this course.

Learning Outcomes. During your time in this course, you will:

- Develop knowledge and understanding of the substantive and procedural law regulating lawyers' conduct including advertising, attorney-client privilege, confidentiality, conflicts of interest, duties

to the client, fees, obligations to third parties and the legal system, and unauthorized practice of law;

- Examine the special ethical rules applied to prosecutors and judges;
- Identify and apply the American Bar Association Model Rules of Professional Conduct in preparation for taking the Multistate Professional Responsibility Exam; and
- Reflect upon how to integrate conceptions of professionalism and legal ethics into your career.

Required Materials.

- ❖ You must register for TWEN; I will regularly use TWEN to communicate about the course and to post our weekly assignments (including some readings) and lectures.
- ❖ JEFFERSON, LAW DEMOCRATIZED: A BLUEPRINT FOR SOLVING THE JUSTICE CRISIS (NYU Press 2024) (“LD”). Order here: <https://nyupress.org/9781479820399/law-democratized/>
- ❖ JEFFERSON & MURPHY, LEGAL ETHICS FOR THE REAL WORLD: BUILDING SKILLS THROUGH CASE STUDY (Foundation Press, 3rd Edition 2025). This is a NEW edition and you are required to use the 3rd edition.

Optional Materials.

- ❖ JEFFERSON, PEARCE, GREEN, JOY, KIM, MURPHY, TERRY, & BROWN, PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH (West Academic, 4th Edition. 2020) (“PRACA”). This edition is no longer in circulation, but you may be able to obtain a used copy and may wish to do so if you would like a hardcopy of the book. Each week I will provide you a PDF of the required reading. A new 6th edition is available which you also may purchase if you cannot locate the 4th edition, but some of the material we will cover in course will be different.
- ❖ ABA MODEL RULES OF PROFESSIONAL CONDUCT: <https://www.americanbar.org/products/inv/book/449291561/> A hardcopy of the Model Rules can be purchased at this website, but you are not required to do so. I will assign links to online materials when we cover the Model Rules each week. If you prefer to have the hardcopy, this is the most affordable option.

Our Asynchronous Classroom. This course will be taught in a fully asynchronous format. We will not meet in person, unless you would like to set up a time to meet during my office hours.

- **Each week your new “assignment” will be posted on Wednesday morning by 9AM. All activities and quizzes will be due the following Tuesday by midnight.** There will be no exceptions. No credit will be given for late work. **Do not wait until the last minute to complete your work.**
- Assignments will include a set of recorded lectures based upon mandatory reading from the PRACA casebook. A quiz of multiple choice or short answer usually will accompany the lectures along with a practical exercise (for example CALI lessons, issue-spotting role play videos, case studies from the LERW book).

- You are required to complete all assigned reading and to view all lectures, in addition to completing the quizzes and exercises. Some of these exercises may involve partner-based activities (which may be conducted in-person with your assigned partner or via Teams, Zoom, or phone).
- Feedback will be provided via regular memos posted by me every 2-3 of weeks.
- Please be sure to pace yourself and allow for ample time to complete the work. I recommend blocking out time for reading, class prep, and lectures the same way you would for a class that meets in person. **That's 150 minutes per week (i.e. two 75 minute "classes") PLUS time for reading, class prep, and organizing your outline. I will provide time estimates below to help you plan ahead.**
- *Please note that the UHLC Honor Code applies to this class. Students must submit their own work prepared without the assistance of others or artificial intelligence tools unless specifically directed to do so in an assignment. I read every submission carefully. Video lectures should NOT be downloaded or shared; they are meant for your viewing only.*
- These assignments have been designed to provide opportunity for regular and substantive interaction between the faculty member and student and among students as required by ABA Standard 306 for distance learning. I will regularly monitor your effort in the course and you are welcome to communicate with me at any time about your effort, in addition to the feedback you will receive directly from some of the activities. That said, you are responsible for keeping track of completed assignments, quizzes, etc.

Assessment. Assessment in this class is based upon participation quizzes and weekly exercises (50%) and a final exam (50%). *Thoughtful, well-reasoned and well-edited, professional school level work is required and is a component of your grade, including on the final exam. This includes proper citation to rules, cases, laws, ethics opinions, etc.*

Participation. The points for participation will be based upon:

1. Timely completion of all assignments and quizzes
2. Thoroughness of responses to the case studies from the LERW book
3. Participation in role plays/CALI exercises/other weekly activities

Please note that participation points are not based upon a curve and it is my hope every class participant will receive all of the allotted points. I reserve the right to raise a grade by one grade increment (ex: B to B+) for significant and consistent work that exceeds the normal expectation of the class, as determined in my sole discretion. In particular, weight will be given to thorough and thoughtful responses to the case study assignments. I also reserve the right to lower a grade by one grade increment (ex: B to B-) for significant and consistent work that does not meet the normal expectation of the class. This reduction may be in addition to loss of participation and effort points, discussed above.

Final Exam. The final exam will be an open-book, take-home exam that I will make available for you to take during the exam period. Please note that due to the online nature of the course, the exam will not be anonymous. It will be available TWEN on May 6 at 9AM and must be completed by midnight on May 12. Additional details will be posted on TWEN during the first week of class.

Chronology of Topics for the Semester. We will cover the following topics:

- Introduction and History of Professional Regulation
- Finding Clients
- Fees and Billing
- Attorney/Client Privilege; Confidentiality
- Defining the Practice of Law, Creating/Ending Lawyer-Client Relationship
- Competence/Decision-Making
- Conflicts of Interest
- Duties to Legal System/Non-Clients
- Prosecutors
- Judges
- Lawyering Perspectives; Special Privileges and Responsibilities
- Future Issues in Professional Responsibility

Contact Information/Office Hours. I am (essentially) always online. Email is the best way to communicate: jeffersonrk@uh.edu. My standing office hours are Tuesdays and Fridays between 3-5PM. You must email me in advance to schedule a one-on-one meeting during that time block. If you have a class, work, or care-giving conflict, please let me know and we can set up an alternative time. All office hours will be held via Zoom.

The MPRE. For admission to the bar of most states (including Texas), you must pass the Multistate Professional Responsibility Exam (MPRE). The MPRE is a multiple-choice exam covering the ABA Model Rules of Professional Conduct and Code of Judicial Conduct as well as generally accepted principles established in federal and state cases regarding the conduct of lawyers. This class will cover a number of subjects included on the exam and will provide a useful background; however, *this is not an MPRE review course*. **Before you take the MPRE, I STRONGLY encourage you to take a review course in addition to this class.** More information can be found at <http://www.ncbex.org/about-ncbe-exams/mpre/test-dates-deadlines-and-fees/>

Attendance. In an online course there is, obviously, no physical “attendance.” However, you are required to keep up with the assignment schedules as set forth in the syllabus. Falling behind that schedule may result in your forced withdrawal from the course. All units must be completed, and the standards met for credit, to receive credit for the course and to be cleared to take the final. Failure to do so will result in an incomplete. You are also required to watch all course videos/lectures. No credit will be given for late quizzes or weekly activities, so please plan accordingly.

UHLC Required Syllabus Provisions

Honor Code. The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

Use of Generative AI. Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on or has access to, employing algorithms to generate content in response to prompts. Examples of the technology include what are known as generative “large language models” (LLMs). Two well-known LLM implementations are ChatGPT and Claude. LLM output can include text, images, music, code, and more. This syllabus policy covers the textual output of generative LLMs (AI Generated Work Product)—which can include computer code or programs and human-language content. Because AI Generated Work Product can often mimic human intelligence, it could potentially be used as a substitute for a student’s own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependency on AI Generated Work Product, which may be strictly prohibited in settings that include the bar examination.

Subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.

The following AI-Generated Work Product uses are exceptions to the preceding prohibition. The exceptions’ intent is to allow the generation and use of AI-Generated Work Product for specific, narrowly defined activities related to this course.

- You may generate and use AI-Generated Work Product when directed to do so for a class assignment.

- After creating originally drafted text for assignments where you are not specifically directed to use AI-Generated Work Product, you may use AI to check your originally drafted text for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things.

- You may use AI-Generated Work Product for the purpose of language translation.

UH Required Syllabus Provisions

Mental Health and Wellness Resources. The University of Houston has a number of resources to support students’ mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let’s Talk location in-person or virtually. Let’s Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed. Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Title IX/Sexual Misconduct.

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title

IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Reasonable Academic Adjustments/Auxiliary Aids.

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: [@uh_CSAC](#) and [@uhcupbrd](#). YOU belong here.

Recording of Class.

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.