



Professional Responsibility

Professor Ellen Murphy

University of Houston School of Law, Spring 2026

Our Class

Course Name	Professional Responsibility, 6321-19205
Semester	Spring, 2026
Class time(s) and day(s)	T/Th 6:00pm – 7:15pm CT
Mode of Instruction	Synchronous Distance Education (SDE)
Instructor	Professor Ellen Murphy
Contact Information	mmurphy6@central.uh.edu

The course is designed to acquaint you with the lawyer's obligations—both individually and as a member of the legal profession—to the world in which the lawyer (you, very soon) lives and works. In addition to a discussion of ethical concerns inherent in the practice of law, we will cover the duties to clients, and the consequences when lawyers fail to satisfy these duties. 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 increased competition (and opportunity) presented by human and non-human nonlawyers.

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 (which you started building the day you started law school (and even before then!)).

I consider it my professional responsibility to do all that I can to ensure that you will be well-equipped for the ethical and adjacent challenges you may face as a lawyer. I demand excellence from you in every class and in every assignment; you should expect the same from me.

This is a synchronous online course, and we will meet online during our scheduled class time. For a few topics, you will watch original instructional videos, prepared by me, in lieu of in-class time together. I will share these videos via Canvas (more info *supra*). As a three-credit course, ours must include 2100 minutes of live class or pre-recorded instructional videos from me; if these videos risk putting us over this number, I'll give you "video credits" back by dismissing a class early or cancelling a class (this will not happen often).

During our time together (Tuesday & Thursday, 6:00-7:15pm CT), we frequently will work together on problems/hypos/simulations. We also will have guest speakers during the latter part of the semester. Be prepared to engage; ours is not a passive class.

Course Learning Outcomes

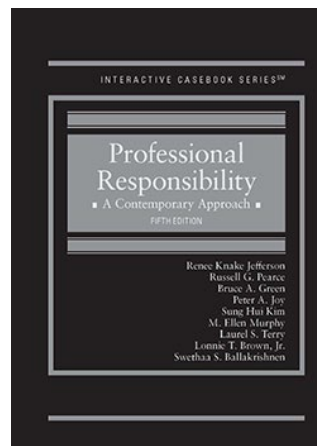
During your time in this course, you will:

- 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;
- Reflect upon how to integrate conceptions of professionalism and legal ethics into your career; and
- Recognize the trends that will influence the future of lawyers' work.

Office Hours

I am happy to schedule a time to meet by Zoom. Email is the best way to reach me, including to schedule a meeting: mmurphy6@central.uh.edu

Required Text & Tools



Jefferson, Pearce, Green, Joy, Kim, Murphy, Terry, Brown, & Ballakrishnen Professional Responsibility: A Contemporary Approach, (5th West 2023). ISBN: 9781636595764

You must have the 5th edition. If purchasing the textbook presents a financial hardship, please let me know.

You may purchase new a hard copy or an electronic-only version. If you choose to purchase a new textbook, **which is neither required nor recommended**, use the code **WAHOUSTON** to save 15% at the above website. There should be used copies available online and throughout UH Law.

New textbooks include a Professional Responsibility Learning Library available via the code on the inside cover. It includes 12-months of online access to 100 additional MPRE-style multiple-choice self-assessment quizzes as well as various study aids, including the Short & Happy Guide to the MPRE, Legal Ethics in a Nutshell, Acing Professional Responsibility, Exam Pro on Professional Responsibility, Christensen's The Weekend MPRE, Gilbert's Law Summary on Legal Ethics, and Sisk's Hornbook on Legal Ethics and PR. If you purchase used (or are sharing a copy of the textbook) and the front-cover code is not available, you can purchase access to this Learning Library for \$50 here. **This is optional**.

There is no need to purchase a rules supplement; you may access the Model Rules of Professional Conduct free at this ABA website.

Canvas

We will use the Canvas LMS extensively. I have used Canvas for over a decade; it is very stable, user-friendly, and the tech support is outstanding. I personally can recommend the mobile application. Please ensure that you have Notifications set up in Canvas so that you are alerted to postings, feedback, etc.

We will have a few assignments throughout the semester; all of these assessments count towards your participation grade (unless otherwise noted). All assessments must be completed on time, in Canvas to receive credit. You should anticipate that there will be one (1) participation grade assessment in Canvas each week or two.

I've structured our Canvas course by topic, per the reading assignment grid below. From time to time, there may be an additional Rule (i.e. not covered by the text) or short article to read; these will be located in the relevant Canvas topic module.

Final Note

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 check your email daily for the most up-to-date course information.

The MPRE

Professional Responsibility at UH Law is not an MPRE test-prep course. **You should plan to use a commercial prep course; most are free. I do not have an opinion on which courses are best – my only advice is to do as many practice questions as you can before the test.**

However, we will cover *most* of the material on the test, and you will complete 100+ practice questions throughout our course. In addition, if you utilize the Learning Library discussed below, you will have access to an additional 100 practice questions. You may find information from the MPRE on registering and preparing for the test.

Zoom Rules and Attendance

Zoom Rules. Your camera must be turned ON throughout the entire class session, as this is an active classroom, as explained. In my 15+ years of teaching online, my experience is that cameras promote engagement. It may be turned off in exigent circumstances (for example, wi-fi issues). If you believe you have a compelling reason why your camera cannot regularly be turned on, please e-mail me to discuss. Please have your microphone muted unless you are speaking.

Class will begin at precisely 6:00 pm CT; login early and check your audio and video settings. I find it helpful to restart my computer before starting a new class.

I recognize that some of you may be logging in to class from locations that are not always quiet, private, or distraction-free. Pets and roommates might wander across the screen, and small children might require your attention during class. I will treat these occurrences with good humor and flexibility, and I expect you to show the same to your classmates. However, I expect you to maintain professionalism throughout the course – you should present on camera as you would to your senior partner, your client, or the judge hearing your case. No eating, cooking, making coffee, grooming (your person or your pet), etc. If you would not do it in a virtual court, don't do it in our class. I expect regular, on-time attendance. I will be recording attendance throughout our live classes.

Attendance. We will follow the UH Law School policy that prohibits taking the final exam if you have missed more than 20% of the scheduled classes. Plan to be in class, and I will expect regular, on-time attendance. I record attendance throughout our synchronous classes. Joining class late or leaving early may constitute an absence.

Recording and Use of Recordings

Recording our Synchronous Class Sessions. I will record all class sessions. Recordings will be available for viewing by all students in a Canvas module titled “Zoom Recordings”. Watching the class recording is not a substitute for class attendance. The recordings are not available for download. No other recording, including by you, is permitted. You may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without my advanced written consent.

Recording Tails in our Synchronous Classes. Synchronous class recordings may include events that happen before class officially begins or after it officially ends. Please do not discuss any confidential matters during these periods of time. You are welcome to set up a time or meet with me outside of class time.

Permission to Use Class Videos. You have permission to access class recordings solely for the purpose of participating in the course. The recordings may not be used by any person other than a student enrolled in the course or for any purpose other than to participate in the course. You are prohibited from downloading, copying, posting online, or otherwise distributing any portion of the recordings for any purpose. Understand that technical problems or human error may prevent successful recording. Therefore, if you are unable to make it to a particular class, please be sure to ask a fellow classmate to take notes for you. By enrolling in this course, you consent to the recording and use described above.

Grading Policy, Final Exam, & On-Call Schedule

Grading. Your grade in this class is based upon class participation, in-class and out-of-class quizzes and other weekly exercises (10%), and a final exam (90%). These weekly exercises may include: MPRE practice quizzes; reading quizzes; case studies; and other assignments. Thoughtful, well-reasoned and well-edited, professional school level work is required and is a component of your grade. This includes, where necessary, proper attribution to rules, cases, laws, state ethics opinions, etc. All assessments during the semester, except the final exam, will be “graded” based on good-faith completion. You should anticipate that there will be at least one participation grade assessment every one-two weeks.

Participation. The points for participation will be based upon:

1. Timely completion of all assignments and quizzes
2. Thoroughness of responses to the assignments and case studies
3. Participation in role plays/small group activities/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 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. 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.

Final Exam. The final exam will be at the Law Center during the final exam period. It may include multiple-choice MPRE-style questions, as well as short answer, and/or essays; I will provide with your exam a copy of the Rules of Professional Conduct (**exclusive** of the comments), but you will not be able to use other resources, and you will not have access to the internet.

On Call. I will divide our class into two groups for the purpose of who's "on call;" I will provide a schedule at the start of the semester.

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.

It is an Honor Code violation to review the graded assignments distributed to, or written by, any of my students from prior years.

AI Generated Text and Work Product

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Work in relation to any activity or assessment in this course **unless I permit you to do so**. There will be times during our class in which we may use ChatGPT or a similar tool as part of our work together. I believe responsible use of AI is necessary for today's legal practice, and we will spend time discussing and practicing such during our class.

You are prohibited, however, from entering into any AI, open source or not, any content from our course, including materials and multiple-choice questions from our textbook.

Mental Health and Wellness Resources

The Texas Lawyers' Assistance Program ("TLAP") supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP any time at 1-800-343-8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

Note that TLAP provides grants for counseling services to law students who have financial need. Contact them for more information.

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.

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 each 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.

The Women and Gender Resource Center is also available. The WGRS has a mission to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

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/>.

Class Topics and Learning Outcomes

We will cover the following topics in our class, and perhaps more. Many students find learning outcomes helpful for outlining and study; our learning outcomes, by topic, are as follows:

Topic	Learning Outcomes
Lawyer Regulation	At the end of each topic, you will be able to: • Explain how to gain admission to the bar • Explain the framework for the rules and law that regulate lawyer's conduct • Recognize how the lawyer disciplinary system works • Assess whether standards for bar admission and discipline guarantee that lawyers provide competent representation
The Lawyer-Client Relationship	• Recognize what actions may create a lawyer-client relationship • Evaluate whether a lawyer-client relationship exists • Recognize the consequences of establishing a lawyer-client relationship • Evaluate when a lawyer and/or client may end a lawyer-client relationship • Determine what actions a lawyer must take before withdrawing from representation • Distinguish situations that require a lawyer to withdraw from representation, situations that permit a lawyer to withdraw from representation, and situations in which a lawyer is not permitted to withdraw from representation
Lawyer Competence & Allocating Authority	• Distinguish the goals of the disciplinary system, the malpractice liability system, and the ineffective assistance of counsel doctrine • Apply to any given fact pattern the elements that would subject a lawyer to discipline for lack of competence, the elements that would subject a lawyer to malpractice liability, and the elements needed to support a finding of ineffective assistance of counsel • Recognize when a lawyer can limit malpractice liability

	• Analyze what constitutes competent legal representation under the Rules of Professional Conduct • Evaluate the supervisory roles of practicing lawyers under the Rules of Professional Conduct • Evaluate the elements of the types of lawyer malpractice actions • Evaluate whether a decision is the type of decision that clearly is allocated to clients rather than lawyers • Recognize the decisions that clearly are allocated to clients rather than lawyers • Apply the appropriate allocation principles for those decisions that are not clearly allocated to clients • Evaluate whether the attorney's representation of a client implicates other principles governing the lawyer-client relationship, including rules about clients with diminished capacity and limits on the services a lawyer may provide
Confidentiality, the Attorney-Client Privilege, and the Work-Product Doctrine	• Recognize the similarities and differences among the attorney-client privilege, the work-product protection, and the duty of confidentiality • Explain the rationale for attorney-client privilege • Identify the necessary elements for attorney-client privilege • Identify who has the authority to waive attorney-client privilege • Explain the rationale for the work-product protection • Identify the necessary elements for work-product protection • Determine the individuals to whom an attorney owes the duty of confidentiality • Identify the scope of information within the duty of confidentiality and exceptions to the duty • Assess whether the duty of confidentiality and exceptions to confidentiality serve clients' interests, lawyers' interests, or society's interests • Develop your own view on whether the duty of confidentiality should be modified • Evaluate the debate over whether there should be additional exceptions to the duty of confidentiality

Prosecutorial Ethics	• Recognize the unique role of prosecutor as minister of justice • Recognize the boundaries of the prosecutor's discretion to charge • Recognize the prosecutors' duties to refrain from seeking a waiver of pretrial rights from an unrepresented accused • Analyze the role and requirements of prosecutors in ensuring a defendant's right to counsel • Differentiate the constitutional obligation to disclose evidence (the Brady Rule) from the requirements under Rule 3.8 • Analyze, and articulate the policy behind, the rules requiring prosecutors to rectify, as well as avoid, wrongful convictions
Conflicts of Interest	• Analyze whether a concurrent conflict of interest exists • Evaluate whether representation is permitted when a concurrent conflict of interest exists • Recognize when a positional conflict of interest exists • Evaluate whether representation is permitted when a positional conflict of interest exists • Evaluate the enforceability of a prospective conflict of interest waiver • Analyze whether a former client conflict of interest exists • Evaluate whether representation is permitted when a former client conflict of interest exists • Analyze when conflicts of interest are imputed to lawyers associated in a firm • Determine when representation is permitted even though there are conflicts of interest imputed to a tainted lawyer's firm • Evaluate when criminal defense attorney conflicts of interest result in ineffective assistance of counsel • Evaluate what constitutes proper informed consent to a conflict of interest

Communications About a Lawyer's Services	• Identify the states' interest in regulating lawyer advertising as commercial speech • Define solicitation • Recognize ways in which lawyers are advertising with new media and technologies • Analyze whether a lawyer communication complies with the Rules of Professional Conduct
Fees & Billing	• Distinguish the types of fees a lawyer may charge • Analyze whether a lawyer's fee is reasonable under the Rules of Professional Conduct • Identify what funds or property a lawyer must maintain separately from the lawyer's property, and recognize the manner in which this must be accomplished • Evaluate when lawyers may share fees with others
Duties to Others	• Recognize the tension between the lawyer's role as a "zealous advocate" and the lawyer's role as an "officer of the court" • Analyze the duties lawyers owe to the court and other tribunals • Analyze the duties requiring truthfulness in statements to others • Analyze the duties that apply to inadvertent disclosures of confidential information • Analyze the prohibition against communications with a represented party • Analyze the duties relating to unrepresented persons • Distinguish between a frivolous claim and a good faith argument
The Authorized Practice of Law: who can practice law?	• Differentiate approaches to defining the "practice of law" • Analyze whether a nonlawyer is engaged in activities traditionally considered the unauthorized practice of law • Articulate the arguments for and against the finding of unauthorized practice of law in nontraditional settings such as technology-assisted legal services • Evaluate when lawyers may share fees with nonlawyers and participate in law-related businesses • Assess whether restrictions on the unlicensed practice of law protect the public

Judicial Ethics & The Judicial Code of Conduct	• Recognize the sources of law governing the ethical standards for judges • Analyze prohibitions on external influences for sitting judges • Analyze grounds for judicial disqualification • Recognize limitations on extrajudicial activity • Recognize campaign limitations on candidates for judicial elections
Generative AI & The Practice of Law	• Differentiate extractive and generative artificial intelligence • Identify potential risks associated with the use of artificial intelligence in legal practice • Analyze the relevant Rules of Professional Conduct that are implicated when using generative artificial intelligence in legal practice • Recognize ways of mitigating risk when using artificial intelligence in legal practice