

Professional Responsibility—Online Distance Education Version
Syllabus Summer 2023 – Session III June 5 – July 25

Renee Knake Jefferson
Professor of Law & Doherty Chair in Legal Ethics
jeffersonrk@uh.edu

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 the lawyer's obligations—both individual and as a member of the legal profession—to the world in which he/she lives. 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 will demand 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 class discussions 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 competence in the following:

- Knowledge and understanding of substantive and procedural law regulating lawyers' conduct;
- Legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to legal ethics and professional responsibility;

- Exercise of proper professional and ethical responsibilities to clients and the legal system;
- Reflection upon how to integrate conceptions of professionalism and the lawyer's role into your career;
- Recognition of the trends that will influence the future of lawyers' work; and
- Other professional skills needed for competent and ethical participation as a member of the legal profession.

Required Materials.

- ❖ JEFFERSON, PEARCE, GREEN, JOY, KIM, MURPHY, TERRY, & BROWN, PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH (West Academic, 4th Edition. 2020) ("PRACA") (You are required to use this edition, as there have been substantial revisions from the prior edition. You may choose between the hardbound and the electronic-only versions, the latter is more affordable.) For a 15% discount plus free shipping, use the code HOUSTONLAW at the links below.
 - Hardbound, printed version of casebook: <https://www.westacademic.com/Professional-Responsibility-A-Contemporary-Approach-5> (includes access to the e-version)
 - Electronic-only version of casebook (available only via West, not other booksellers): <https://www.westacademic.com/Jefferson-Professional-Responsibility-Contemporary-Approach-4-eBook-Learning-Library-9781684677757>
 - The casebook is part of West's Interactive Casebook series. This means that you can purchase the cheaper **electronic-only** version of the book, which includes nifty hyperlinks to educational and entertaining materials, or the hardbound copy that also includes the e-version and one-year's access to the Learning Library. The online Learning Library includes helpful quizzes reflecting all of the multiple-choice questions printed in the casebook, complete with answer explanations. Because I will not be assigning the interactive features of the casebook in class, you are welcome to buy a used copy of the 4th Edition (if there are used copies available). You may wish to separately purchase access to the Learning Library (\$35 only).
- ❖ JEFFERSON & MURPHY, LEGAL ETHICS FOR THE REAL WORLD: BUILDING SKILLS THROUGH CASE STUDY (Foundation Press, 2nd Edition 2022) https://www.westacademic.com/Legal-Ethics-for-the-Real-World-Building-Skills-Through-Case-Study_2?gclid=CjwKCAiArY2fBhB9EiwAWqHK6l6Yog_vw2rXMRITx-3VsKXEwcSB3tr03FgBtOg1ORlyMESbvQD4dBoC1O0QAvD_BwE
- ❖ ABA MODEL RULES OF PROFESSIONAL CONDUCT (FREE ONLINE) (ALL STATES, INCLUDING CALIFORNIA, HAVE ADOPTED RULES OF PROFESSIONAL CONDUCT THAT ARE BASED ON THE ABA MODEL RULES.): http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct.html *Please note that when the ABA Model Rules of Professional Conduct are referenced in the casebook, you are responsible for looking up and reading the entire Rule as well as the corresponding Comments.*

You are also required to register for TWEN; I will regularly use TWEN to communicate about the course and to post your weekly assignments and lectures.

Our Asynchronous Classroom. This course will be taught in a fully asynchronous format over seven weeks. 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 Skype, Zoom, or phone). Feedback will be provided via regular memos that I will post every couple of weeks.
- Please be sure to pace yourself and allow for ample time to complete the work. ***Keep in mind that we are covering an entire semester’s materials in only seven weeks.*** 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 300 minutes a week (i.e. four 75 minute “classes”) PLUS time for reading, class prep, and organizing your outline. I will provide time estimates below to help you plan ahead.** Each week's "assignment" is also broken down into two units to help you organize and schedule your time appropriately. ***Be sure to complete all activities/quizzes for both units.***
- Your exam is a take-home exam. It will be posted to TWEN on July 23 at 9AM and must be completed by midnight on July 25. You will have three hours to complete the exam from the time you download it from TWEN. Please email me if you have a conflict with the July 23-25 exam window.
- ***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. 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. You will access the exam via TWEN at a time convenient for you, and you will be required to complete it in three hours unless you have an official accommodation.

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 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: <https://uhlc.zoom.us/j/9571508708>

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 FACTORING IN TIME FOR EMERGENCIES AND UNEXPECTED LIFE EVENTS.** (Please note that COVID-19 related emergencies will be handled on a case-by-case basis; please contact me if you are impacted.)

Names/Preferred Pronouns. I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, proper pronunciation, chosen names and preferred pronouns—including non-binary ones such as they | them | their | Mx.—are respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun or proper pronunciation or if you have other concerns.

Diversity, Inclusion, and Wellness. At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed. In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity. Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others. If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource. 713- 743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee (of which I am a member). The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at UHLCD&I@uh.edu. Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

ADA Accommodations. The Law Center is committed to meeting the needs of students with physical, learning and other disabilities and provides appropriate accommodations and services tailored to each person's specific requirements. Please contact the Center For Students With Disabilities at (713) 743-5400 for more information.

Counseling and Psychological Services (CAPS). 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) 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 The Texas Lawyers' Assistance Program ("TLAP") also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at 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>.

Anti-Discrimination and Sexual Misconduct Policies. UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08. Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

Basic Needs. We are still grappling with the impacts of a major health crisis and I want you to know that there are resources on campus to help you, should you fall on hard times (or, if you are already there). I am one of those resources. Do not feel any shame (really!) in talking to me about anything you are going through—I'm not your therapist, but I am here for you, and I can point you to the right services and professionals. If you find yourself food insecure, housing insecure, or in need of other services, the University has FREE resources available here. <https://www.uh.edu/dsaes/coogscare/> 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) 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 The Texas Lawyers' Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at 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>.

Honor Code. The [UHLC Honor Code](#) applies to all aspects of this class. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. It is an Honor Code violation to review the assignments distributed to, or written by, any of my students from prior years.

The following language is required by the University of Houston.

COVID-19 Information

Students are encouraged to visit the University's [COVID-19](#) website for important information including diagnosis and symptom protocols, testing, vaccine information, and post-exposure guidance. Please check the website throughout the semester for updates.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

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.