

PROFESSIONAL RESPONSIBILITY

Summer 2008

Professor Pouncy

Office Hours: Tuesdays 4:00 – 5:00, Thursdays 4:00 – 5:00*

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Course Description

Three Credits. This course examines the ethical and professional responsibility issues associated with the practice of law. The course relies on the American Bar Associations Rules of Professional Conduct, and as appropriate, the Rules Regulating the Florida Bar.

Focus

The course treats Professional Responsibility as a substantive body of law, an exploration of ethics and ethical processes, and as an exercise in professionalism.

Methodology

Classroom work will be directed toward the development of analytical and problem solving abilities and will rely primarily on critical analysis of the assigned problems and the development of appropriate responses consistent with the Code of Professional Conduct. Each student is 1) required to read the assigned materials and, 2) be prepared to discuss solutions to the assigned problems in class. Each student also is expected to formulate a theory of the course and to cultivate her personal philosophy of Professional Responsibility as the term develops.

Class Policies

Attendance

Attendance is important and an attendance sheet will be circulated during each class session. Poor attendance can result in a failing grade for the course; review the student manual for details. Any explanations for non attendance should be submitted in writing to the Professor.

Seating Chart

A **seating chart** will be circulated. Every student is required to sign the seating chart, select a seat and sit only in that seat during the term. Failure to sign the seating chart may be treated as one or more unexcused absences.

Participation

*Or by Appointment.

Class participation is essential for an interesting class session and every student should be prepared to participate in every class session. Failure to be adequately prepared for a class session will count as an unexcused absence. Class participation may be taken into consideration in awarding final grades.

Laptop Computers

Laptop computers and PDAs may be used in class for the purpose of note taking, viewing the on-line course materials posted to the class' TWEN site, and to conduct research directly related to materials being covered in class. **All other uses are prohibited. Particularly, students must disengage all instant messaging programs before the beginning of each class session.** Any student found to violate this policy will be asked to discontinue use of the device for the remainder of the class period. A second offense will result in the removal of the student's laptop privileges for the remainder of the semester.

Evaluation

Quizzes

The Professor reserves the right to administer quizzes, reaction papers and other evaluation techniques which will be considered in determining your final grade for the course.

Final Examination

The **final examination** will be an in-class closed-book examination. The exam will consist primarily of objective questions, but may also include essay questions. Additional information on the final exam will be provided during the progress of the term.

Required Texts: Nathan M. Crystal, *Professional Responsibility*, Little, Brown and Company (Aspen) 3rd Edition 2004. [**Crystal**].

Mary C. Daly, *What Every Lawyer Needs to Know about the Civil Law System*, 1998 Prof. Law 37 [available on TWEN]

2008 Morgan & Rotunda Selected Standards on Professional Responsibility Foundation Press [or any 2004 or latter statutory supplement] [**Rules**]

Code of Conduct for European Lawyers [available on TWEN]

Recommended Text

W. Bradley Wendel, *Professional Responsibility (Examples and Explanations Series)*, Aspen Publishers [Any recent edition]

Assignments

Register at the TWEN site for this course. <http://lawschool.westlaw.com/twen/>

Unit 1

Professional Responsibility?

Crystal pp. 1-60

Daly pp. 37-45

Rules: 1.1, 1.6, 4.3, 5.2, 8.3, 8.4

A Philosophy of Lawyering

Rules and Standards

Regulation

Admission

Structure of the U.S. and International Bars [Available on TWEN]

Unit 2

Criminal Representation

Crystal 61-109

Rules: 1.1, 1.2, 1.6, 1.16, 3.1, 3.3, 3.4, 4.3, 8.4

Criminal Defense

Defending the Guilty

Counsel's Competence & Legal Fees

Rules 1.1, 1.2

Confidentiality

Unsolved or Contemplated Crimes

Physical Evidence

Rules 1.6, 1.16

Unit 3

Crystal 110-163

Rules 1.0, 1.2, 1.6, 1.7, 1.14, 1.16, 3.6, 3.8, 4.3, 8.2

False Testimony

Conflicting Interests

Client Competence

Multiple Representation

Tactics

Trial Publicity

Unit 4

Crystal 163-215

Rules 1.6, 3.3, 3.4, 3.5, 3.8, 4.2, 4.4, 8.4

Trial Tactics

Prosecutor's Duties
Fee Forfeiture & Compulsory Process
Defending the Indigent

Unit 5

Crystal 217-261
Rules 1.2, 1.4, 1.5, 1.6, 1.8, 1.15, 1.16, 2.1, 3.4

Civil Representation

Lawyer-Client Relationship
Fees
Retention
Confidentiality
The Duty, The Privilege, The Doctrine

Unit 6

Crystal 261-303
Rules 1.7, 1.9, 1.10, 1.13, 1.16, 3.7
Conflicting Interests
Current Clients
Former Clients
Imputation of Disqualification
Advocate Witness Conflict

Unit 7

Crystal 303-349
Rules 1.0, 1.7, 1.8, 1.14, 2.1, 3.1, 3.2, 4.2, 4.3
Multiple Representation – Torts
Insurance Defense
Family Practice
Frivolous Claims

Unit 8

Crystal 349-383
Rules 1.1, 1.2, 3.4, 4.2, 4.4, 5.2, 8.4
Investigations
Employees
Tapes & Inadvertent Disclosures
Discovery

Unit 9

Crystal 383-414
Rules 1.1, 1.2, 1.4, 1.12, 2.1, 2.4, 3.3, 4.1, 4.4, 5.6, 8.4

ADR

Negotiation
Mediation and Arbitration

Week 10

Crystal 414-459

Rules 5.5, 6.1, 6.2, 6.3, 6.4, 7.1, 7.2, 7.3, 7.4, 7.5

Law Firm Marketing

Unauthorized Practice

Indigents in Civil Matters