



Law 962

Professional Responsibility

Summer 2020

Assistant Clinical Professor Jessica R. Gunder

Class Times

Monday—Friday

10:30-11:45 (MDT)

9:30-10:45 (PDT)

(via Zoom!)

Contact Information

ILJLC Room 328

Office: (208) 364-4577

Cell: (571) 331-9820 (emergencies)

JGunder@uidaho.edu

Office Hours

Wednesdays from 1-2 (MDT)/11-12 (PDT) and by appointment.

Please note that I will be available via Zoom for office hours.

What You Will Learn

This course is about the law that governs lawyers and the legal profession. We will use a problem-based approach, and will spend most of our time in class discussing problems that lawyers have encountered in practice. These problems will give you opportunities to think through some dilemmas that you may confront and to explore the application of the law governing lawyers.

We will study the American Bar Association's Model Rules of Professional Conduct, along with other statutory and common law governing lawyers, including legal malpractice and lawyer disciplinary decisions.

We will use the Model Rules as a proxy for the states' ethical rules governing lawyers, and will consider topics ranging from relationships with clients, to the duty of confidentiality, to conflicts of interest, to the roles and responsibilities of the lawyer as advocate, and the formation and termination of the attorney-client relationship. We will examine who writes the ethical rules and what legal authority they have, as well as the relationships among the institutions and the various bodies of law that govern lawyers.

How to Succeed in Professional Responsibility

1. Be prepared. Come to class on time, with all the materials you need, well prepared to discuss the reading and any questions contained in that material. Be ready to engage in intellectually and emotionally difficult topics with an open mind.

2. Be professional. Remember that your classmates are your future colleagues, and treat them accordingly. Understand that your classmates will come to this course with vastly different backgrounds, opinions, and life experiences. That diversity will enrich our class discussions. We can disagree, but we must express that disagreement respectfully and constructively.

3. Be proactive. This is a professional environment, which means you need to take responsibility for your learning. I am always happy to answer questions. So if you need help, please ask. That's what I am here for.

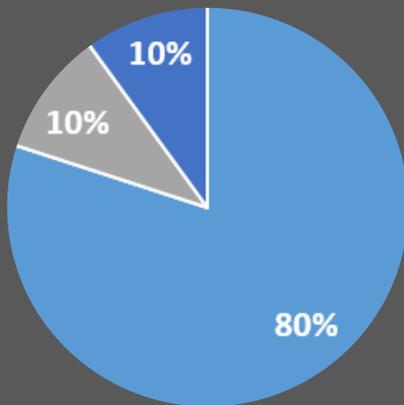
Course Materials

- Lerman, Schrag, & Rubinson, *Ethical Problems in the Practice of Law*, 5th Edition (ISBN: 9781543804669)
- Lerman, Schrag, & Gupta, *Ethical Problems in the Practice of Law: Model Rules, State Variations, and Practice Questions*, 2019-2020 Edition (ISBN: 9781454894865)
- Other reading materials and resources may be assigned throughout the semester.

Email

I will communicate with the class via email. Email is an integral component of legal practice today, and it is crucial that you develop the habit of frequently checking your email now.

Grading & Evaluation



- Graded Final Exam:** A graded final exam is scheduled for July 6, 2020. (120 points)
- Quizzes:** You will take nine short (one-question) quizzes over the course of the semester. Each quiz will be worth 2 points. (15 points)
- Participation:** Your participation grade will reflect the quality rather than the quantity of your participation. In addition to participating in in-class discussions, you can gain participation credit by (1) visiting me in office hours, and (2) sending me emails with your thoughts or questions about the reading. Additionally, truly exceptional participation may, at my discretion, be used to boost your final grade. (15 points)

Participation: In-Class Discussions

As noted above, students will be evaluated based on their class participation. I expect that each student has carefully read all of the day's assigned text material and has come to class prepared to discuss that material and any questions contained in that material. In addition to reading the text, you should separately read all citations to the Model Rules of Professional Conduct in the textual material.

Our class sessions primarily will involve discussion of the problems set forth in the text, so please come to class each day ready to discuss, and solve, these problems. You should be prepared to answer any questions contained within the assigned text, including the questions contained within the "For Example" sections throughout the text. Students should regularly volunteer and participate in class discussions. Even if you do not volunteer, you may be called upon in class. I do understand that—on occasion—life gets in the way of your studies. On no more than two such days this summer you may email me at least thirty minutes prior to class, and I will not call on you.



College of Law Learning Outcomes

Through this course, students will:

- Demonstrate knowledge and understanding of substantive and procedural rules governing the practice of law.
- Demonstrate the capacity to engage in sophisticated legal reasoning and analysis when applying the rules of professional conduct in a given factual context.
- Demonstrate proficiency at communicating complex legal arguments, reasoning, and analysis, both in writing and in oral communication.
- Demonstrate the ability to identify and assess multiple approaches to resolving real-world problems implicating ethical professional obligations.
- Demonstrate an understanding of a lawyer's professional and ethical obligation obligating to clients, courts, the bar, and the public.

Quizzes

We will start approximately every second or third class with a one-question quiz. Each quiz is worth 2 points, and there will be a cap of 15 total points that can be earned on these quizzes over the course of the semester. Make-up quizzes will not be offered.

Attendance Policy

Class attendance is mandatory. I will take attendance in each class. Missing or coming late to more than two classes can negatively impact your grade. If you must miss all—or part—of a class for any reason, you should alert me beforehand and provide an explanation for your absence. Your grade will be automatically reduced if you have more than two unexcused absences.

Collaboration

Because our class discussions will focus on the textbook problems, your analysis and fresh approach to these problems will make for more interesting classes for us all. Students in this course therefore are not permitted to read or utilize any other student's (or other person's or publisher's) notes, analysis, or outline of these problems—other than notes prepared by a fellow student in our course.



University of Idaho and College of Law Policies and Procedures

Civility: In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning. Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Associate Dean of Students (ktball@uidaho.edu and krunning@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center's confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

Credit Hours for Coursework: In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours. The Course requirements outlined above with respect to materials and assignments, in my professional judgment, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

Recording Class Sessions: Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor's express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the [Law Library/Law Technology](#) for recording equipment and information on recording procedures.

Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement: Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Ball and/or Dean Running for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student's responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Ball/Running, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at <http://www.uidaho.edu/current-students/cdar>. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.