

Legal Ethics and Professionalism  
Summer (June 4 -July 6) 2012  
Bill Nagel  
Class Description and Expectations

This course will involve problems that lawyers face as professionals. No matter what areas of the law you may enter, and even before you are licensed to practice, there will be common restrictions that you will be expected to meet. Enforcement of these expectations can impact your professional reputation and your license to practice law. Sanctions can also be applied based on other substantive areas of the law with expectations for lawyers, such as the law of malpractice, enforcement of court rules, and disqualification from particular cases due to conflicts. The criminal law applies to lawyers as it applies to others.

We will primarily approach these situations through the Model Rules of Professional Conduct, but we will also review and discuss other resources with which you will need to be familiar to investigate ethical questions in your practice. As in any area of the law, the governing ethical provisions have changed over time -- from the Canons to the Code to the Rules, then to the Ethics 2000 revisions to the Rules, followed by more recent amendments and additions.

You will also be encouraged to apply your personal moral views to these situations and to consider how the legal restrictions correspond to and influence your internal compass. Your own character will also influence your decisions and your satisfaction with your career choice. You will need to consider the externally imposed rules in tandem with your own rules that have otherwise guided your decisions.

Although we will focus on the most recent version of the ABA's Model Rules, and although those rules underlie the MPRE, you should not rely solely on this course to prepare for the MPRE. It is up to you to become aware of the scheduling and preparation for the MPRE through other resources.

You should keep in mind that the Model Rules are just the recommendations of the American Bar Association. Different jurisdictions have adopted different provisions, often variations of these recommendations but sometimes

different rules altogether. Once you have decided where you will practice, you will have to become familiar with the provisions in your jurisdiction.

The Honor Code is, of course, applicable in this course.

Any use during class of electronic resources, including all forms of computers and phones, must be limited to taking notes, looking at assigned materials and your notes, and other class related uses.

You are not to use notes or outlines of other students from other classes, including from prior years. You are encouraged to work together with others in this class, for example, on joint outlines. You will learn more through your own thought and effort than through relying on the work of others in which you were not involved. Your final exam will be closed book.

Attendance and participation will be crucial. I will keep track of any absences and tardiness to enforce the university's requirement on attendance and being on time. But more important, your attendance and participation based on meaningful preparation will be necessary if you are to benefit from this class. I will add or deduct up to three points from your grade based on your participation. I prefer voluntary participation, but will call on people when necessary and appropriate.

Meaningful preparation for class will require more than reading the materials. You should spend time considering those materials and the problems. I urge you to discuss the problems with a classmate, preferably one who has different legal interests and different career goals than you. For example, if you hope to be a criminal defense attorney, you will benefit from working cooperatively with another student who hopes to be a prosecutor. We will not have time to cover all the assigned materials in class, but that does not mean they are not important or that you are not still responsible for them. Some of the assignments will take more than one class to cover. I will not be assigning a paper for this summer course.

I have a terrible memory for names, so I will need to rely on a seating chart, at least for a while.