BACKGROUND

This course focuses on the legal profession, its glories, its function, its dilemmas, and its problems. We will of course cover many of the specific rules set out in the codes that regulate the modern profession, such as those governing confidentiality and conflicts of interest. In addition, however, we will discuss issues of practical moral philosophy, particularly regarding the nature of virtue and happiness, conceptions of justice, and the role of character in moral decision-making. We will also explore many of the most pressing issues facing today’s legal profession, including the treatment of women and minorities, the culture and role of law firms, the civility crisis, problems of alcoholism, drug use, divorce, and suicide, and the need for mentors. Throughout we will ask such questions as: to what standards of conduct – personal and professional – should you hold yourself in your practice of law?; how will you explain actions that you take as an attorney to those in your life that are not lawyers?; will you be happy in the practice of law?; and what will you do to keep yourself engaged in your chosen profession? The goal will be to examine the profession and ourselves seeking foundation for the moral judgments required of a practicing lawyer.

LOGISTICS

Class Schedule: Class will meet from 2:25-3:40 on Tuesdays and Thursdays. There will be a few make-up classes during the semester, as indicated on the draft syllabus. There will also be a required evening movie shown during the semester, as indicated on the syllabus. We will decide as a class which night to watch that movie.

Required Materials: The text for the course is Kaufman and Wilkins, Problems in Professional Responsibility for a Changing Profession (4th edition, Carolina Academic Press). Be sure to get the 4th edition—previous editions will not work. You should also purchase the softcover rules book that I have assigned: Gillers and Simon, Regulation of Lawyers: Standards and Statutes. There is also a supplemental course packet available at the CU bookstore. (All of this is on reserve in the Library.)

Office Hours: I have office hours on Tuesdays from 10:00-12:00 p.m. Feel free to come by my office at any time, or to talk with me after class. If you would like to schedule an appointment, please do so by email.
PARTICIPATION AND GRADING

Participation, Attendance and the Market for Your (and My) Attention: In this class, much of the learning will take place during our discussions. I will combine calling on people with asking for volunteers. I expect that you will be prepared every day, and will reserve the right to factor preparedness, participation and attendance into your final grade.

Having made the requisite reservations, let me be transparent here. It’s not fun having a conversation with people who aren’t prepared. I have no real interest in trying to do so. At the same time, I know that it’s not fun preparing material that you don’t care about or that seems boring. Nor is it particularly fun going to a class you find dull and uninteresting. There is, in short, a market for your attention and for mine. You have other things you could be doing and so do I.

At the same time, I find this class, and this topic, endlessly interesting, entertaining, and provocative. I am willing to put a great deal of time into making it educational for all of us.

If you find yourself tuning out, not doing the reading, or getting bored, PLEASE SPEAK UP. There are a huge number of topics that we could cover in this course, some of which may be more interesting to you than others. I am also always open to feedback about my teaching style or the way a class is progressing. (If you are not comfortable speaking up, feel free to send me an anonymous note!) In short, we share responsibility for making this class as useful to you and as interesting as possible.

Group Projects: Each of you will be assigned to a small working group of 6-8 people. Over the course of the semester we will use these groups for in-class discussion purposes, for solving problems in class, and as “reading groups” to discuss certain topics. In addition, however, each group will be responsible for coming up with a “hot topic” in legal ethics for class discussion towards the end of the semester. Your group will have to select a topic, research the topic, compile an edited set of readings for the entire class on that topic, and create a handout with a set of class discussion questions to go with the reading assignment. You will then be charged with starting off and leading the class discussion on that day. I will give you more information about this project as the semester goes on.

Grading: Your final grade will be based on a combination of a final in-class three-hour exam (65%), your efforts on your group project papers (15%), and general class participation (20%).

A Final Note on the Syllabus: As I said above, this course is a chance to reflect on what it means to be a lawyer. Because that reflection will and should vary by individual, I would hope that each of you might have topics or issues that interest you and that you’d like to discuss in the course. I am therefore quite open to revising the syllabus to reflect those interests. As the semester progresses, please feel free to suggest topics that intrigue you and/or to bring in materials, newspaper articles, etc. that you think might be of interest to others in our class.

I also expect that this syllabus may change as the semester progresses. I hope that this will not be overly frustrating for anyone—I expect such change to occur both in response to student preferences and as a result of my ongoing attempts to tailor the course to relevant and current topics in the field.
DRAFT SYLLABUS
(KW = Kaufman & Wilkins textbook)

Zealous Advocacy, Morals, and Ethics
Tuesday January 11
Reading Packet #1(a): Transformation of Self

Thursday January 13
Packet #1(b): Confessions of a Criminal Lawyer / Diary of a Yuppie

Tuesday January 18
Packet #1(c): Firing Your Client / Problems and Readings on Zealous Advocacy

Tuesday January 25
Make-Up Class

Thursday January 27
No Class Today

Doctrine You Should Know: Confidentiality
Tuesday February 1
Thursday February 3

Doctrine You Should Know: Conflicts of Interest
Tuesday February 8
Thursday February 10

Tuesday February 15
No Class Today

Thursday February 17
Packet #1(c): Firing Your Client / Problems and Readings on Zealous Advocacy

Friday February 18
Make-Up Class

Tuesday February 22
COIs in special contexts: KW 352-364, 561-575

Thursday February 24
TBA
**Ethics by Context**

**Tuesday March 1**
Packet #2(a): Ethics in Transactional Practice: The New SEC Regulation of Lawyers

**Thursday March 3**
Enron (readings TBA)

**Tuesday March 8**
KW 470-476
Packet #2(b): Ethics in Litigation: The Civility Debate

**Thursday March 10**
Ethics in Criminal Practice (readings TBA)

**Alcoholism, Drug Abuse, Divorce, and Suicide: How (not) to be a Happy Lawyer**

**Tuesday March 15**
KW 751-770

**Thursday March 17**
Packet #3(a): Critiques of the Legal Profession

**Tuesday March 22 & Thursday March 24**  **No Class – Spring Break**

**Tuesday March 29**
KW 770-787
Packet #3(b): Satisfactions and Dissatisfactions of Practice / Work-Life Balance

**Thursday March 31**
KW 787-809
Packet #3(c): Women, African-Americans and Other Minorities / Mentoring and “Royal Jelly”

**Tuesday April 5**
Packet #3(d): Mandatory Pro Bono Practice

**Thursday April 7**
Packet #3(e): The Role of Law Firms / Local Ethics Codes

**Friday April 8**  **Make-Up Class**  – Group Project Day

**Tuesday April 12**  
Group Project Day

**Thursday April 14**  **No Class**

**Tuesday April 19**  
Group Project Day

**Thursday April 21**
Packet #3(f): Are Rules Enough? On Virtue, Happiness and the Good Life