

## Syllabus

### Professional Responsibility Course

Prof. Dru Stevenson, South Texas College of Law - Houston

Email: [drury.stevenson@gmail.com](mailto:drury.stevenson@gmail.com); Office hours by appointment

**COURSE DESCRIPTION:** American Bar Association Model Rules and Texas Rules of Professional Responsibility form the framework for study of ethical topics relating to an attorney's relation to the courts and to clients, such as the rights and responsibilities of an attorney, conflict of interest, confidential communications, disciplinary proceedings, and other ethical issues.

**COURSE OBJECTIVES:** 1) Students will develop a working knowledge the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, and recent ABA Formal Ethics Opinions, as well as the Restatement (Third) of the Law Governing Lawyers; 2) Students will be able to apply the relevant ethical rules to various situations, including the exceptions to the rules and the interpretive guidance from the official Comments; 3) Students will be able to analyze and resolve situations where two ethical rules appear to be in tension, especially rules requiring disclosure or communication and those requiring confidentiality; 4) students will acquire a working knowledge and familiarity with the structure of the legal profession and the regulatory regime governing the licensing and discipline of attorneys in their state, as well as legal malpractice liability and insurance. **To achieve these objectives**, we will have active class discussions regarding the relevant rules and standards, including exceptions, and students will have numerous opportunities to practice the application of the rules to short hypotheticals scenarios, determining the most appropriate course of conduct for an attorney in that situation, or the reason that the lawyer in the hypothetical could be subject to professional discipline. Class sessions also include extended ethical deliberation and debate, as well as lectures and videos.

**REQUIRED TEXTS:** *Glannon Guide for Professional Responsibility*, by Dru Stevenson, most recent edition (see ERRATA corrections for the Second Edition posted on course website)

**AND**

*500 MPRE Practice Questions for 2020: Professional Responsibility Course Supplement*, by Drury Stevenson (available FREE for download on the course web page, or you can purchase an inexpensive print-on-demand copy on [Amazon](https://www.amazon.com)). Many students find the printed copy much more convenient. This book is NOT necessary for regular class preparation but will be necessary in preparing for the final exam and will contain sample practice questions resembling those on the exam. DO NOT USE OLDER EDITIONS – the Model Rules changed between editions.

**AND** The ABA Model Rules, **free online** at:

[http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html)

(NOTE that Westlaw also has ANNOTATED Model Rules, which add many case examples and citations to state ethics opinions – some students find it helpful; the Restatement (Third) of the Law Governing Lawyers is also VERY helpful).

If you prefer a print copy, I recommend this one: *Professional Responsibility, Standards, Rules and Statutes* (Abridged), by John S. Dzienkowski, **MOST RECENT EDITION**. It includes some of the Texas rules that vary from the Model Rules, with comparison charts.

**ASSESSMENT & EXAMINATION:** There will be a FINAL EXAM, all multiple-choice questions (normally 200 questions, no essays, but could be less for online-only course), based on the Model Rules, all course materials, and class lectures. CLASS ATTENDANCE IS REQUIRED. The professor will either post online quizzes for each subject, OR provide a book with lots of practice multiple-choice questions arranged by topic in order of how they are covered in class. In some semesters, there may be an ungraded midterm or practice MPT.

**FOR ONLINE-ONLY SEMESTERS:** I will post pre-recorded mini-lectures about each of the Model Rules that you can watch at your convenience. Most lectures will have either a quiz question or attendance password at the end that you can either email to the professor to document that you watched the video (optional) or keep for your own records in case such documentation is requested sometime in the future. We will use our “live” Zoom class sessions for an abbreviated Q&A session or to add discussion about the course content.

**FOR IN-PERSON CLASSROOM SEMESTERS: NO LAPTOPS OR OTHER COMPUTERS WITH INTERNET ACCESS IN CLASS.** *For class prep, I recommend that you do the Glannon Guide chapter related to the upcoming class topic before class, and the relevant questions from the Practice Question book to review after the class. See Law Students Who Handwrite Their Notes Outperform Laptop Users By One Grade (e.g., B + to A-), <http://bit.ly/385IYc5>*

#### **ORDER OF TOPICS**

- I. Conflicts of interest - Rules 1.7-1.12, 1.18, 6.1-6.5, related Restatement sections
- II. The client-lawyer relationship, Rules 1.2, 1.4-1.5, 1.13-1.14, 1.16 , related Restatement sections
- III. Litigation and other forms of advocacy, Rules 3.1-3.9
- IV. Competence, Diligence, and Malpractice, Rules 1.1, 1.3, RESTATEMENT (IMPORTANT) §§ 6-7, 48-58
- V. Confidentiality, Atty-Client Privilege, and Work Product, Rule 1.6 & RESTATEMENT (IMPORTANT) §§ 68-93
- VI. Law Firms & Associations, Rules 5.1-5.7,
- VII. Maintaining the Integrity of the Profession, Rules 8.1-8.5
- VIII. Communications about Legal Services, Rules 7.1-7.6
- IX. Counselor (Rules 2.1-2.4); Organization as Client (Rule 1.13)
- X. Transactions with Persons Other Than Clients, Rules 4.1-4.4
- XI. Safekeeping Property, Rule 1.15
- XII. Code of Judicial Conduct – one-class overview, if we have time

**Floater Class – Moral Philosophy**

Counseling and Psychological Services (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](http://www.uh.edu/caps)<<http://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](http://www.uh.edu/caps/outreach/lets_talk.html)

In accordance with UH System [Sexual Misconduct Policy](#), your instructor is a “responsible employee” and is required to report any instance, occurring during a student’s time in college, of sexual assault, stalking, intimate partner violence, sexual exploitation, sexual intimidation or sexual harassment about which they become aware during this course through writing, discussion, or personal disclosure. More information can be found at the UHS sexual misconduct prevention and awareness website, [Salutations](#) at <http://uhsystem.edu/students/salutations/>. [Salutations](#) contains helpful information such as policy FAQ and confidential resources that are available on and off campus.

I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.