COURSE SYLLABUS - LAW 580 (SECTION 1)

LEGAL PROFESSION – SPRING 2018

INSTRUCTOR: Prof. Jennifer Brobst; Office 244, jbrobst@siu.edu, 618-453-8702

CLASS TIME/ROOM: Mondays and Wednesdays 3:00 - 4:15 pm / Room 102

OFFICE HOURS: Wednesday from 4:15 – 5:00 pm

COURSE DESCRIPTION: This three credit required upper division course covers the ethical responsibility of lawyers. Topics include attorney confidentiality, communication between attorney and client, conflicts of interest, attorney fees, ethics in advocacy, and attorney advertising and solicitation. The course also covers attorney-client privilege, malpractice, attorney liability to third parties, judicial ethics, and disqualification and admission to the bar.

LEARNING OBJECTIVES: Students will learn the Model Rules of Professional Responsibility and the Model Code of Judicial Conduct and how to apply them to currently relevant ethical problems in the legal profession. Students will gain research and critical thinking skills in assessing and preventing ethical problems in the practice of law. Finally, students will develop skills in prioritizing ethical challenges and managing the stresses of the profession to ensure consistent excellence and resilience in legal practice.

MAKEUP CLASS: We have to make up one class due to the law school’s holiday schedule, which will be accomplished through the substantial time required to complete the group presentation assignment.

REQUIRED BOOKS:

- ABA Model Rules of Professional Conduct (2017, ABA Book Publishing);
  ISBN: 9781634258357 (hard copy needed due to length and ease of use in class, but see online updates at: https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct.html)
- Download the ABA Model Code of Judicial Conduct at http://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html

ATTENDANCE: In accordance with SIU School of Law Rules III.5(f)-(g), students may miss up to a maximum of six (6) classes. There is no excused or unexcused absence policy at SIU. Students who exceed the maximum number of absences at any time, including the last week of class, will be referred to the Associate Dean with the recommendation that the student be withdrawn from the course. Late arrival should be rare and may be counted as an absence at the professor’s discretion and/or the student may be asked to leave class that day if it interrupts the class. If you are called on and are wholly unprepared, you may be marked absent for the day.

WORKLOAD EXPECTATIONS: According to the American Bar Association guidelines, a student should study and prepare for approximately 2 hours before each 50 minute class. This includes taking time after each class to re-read and clarify detailed in-class notes and outlines, as well as completing practice multiple choice problems to increase facility for successful completion of the MPRE.

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GRADED ASSIGNMENTS:

- **Homework Assignments** (20% (2 @ 10% each)) will be handed out one week before they are due. The assignments are due at the beginning of class. The purpose is to build skills in ethics research and professional client contact. Late submissions of homework will result in a 1/3 grade deduction on the day due, and 1/3 deduction each day or part of a day thereafter (e.g., A becomes A- if 20 minutes late, and B+ the next day). Assignments must be turned in hard copy, not by email, unless otherwise approved by the instructor.

- The **Group Presentation** (10%) assignments will be presented throughout the semester for the benefit of the class as a whole, covering material related to the lecture at the time. Assignment choices and sign-ups will be distributed in class at the beginning of the course.

- The **Final Exam** (70%) will be open book, permitting use of the ABA Model Rules of Professional Conduct and the ABA Model Code of Judicial Conduct and any hard copy materials (but not online access). It will consist of three parts: (1) one short answer question (bar exam essay style); (2) a short performance exam question drafting a response memo to a firm partner on a question of professional responsibility using a set of provided opinions, rules and statutes; and (3) MPRE-style multiple choice questions. Final Exam Date: Mon. May 1st @ 1:15 pm.

- There will also be ungraded pop quizzes (MPRE multiple choice style) to help students become familiar with the MPRE format and test strategy. Some students will be taking the MPRE before the end of the semester (see MPRE description below).

**Multistate Professional Responsibility Examination (MPRE):** In addition to preparing students for maintaining their professional licensure and avoiding malpractice, this course prepares students for the MPRE. The MPRE is a standardized test required for every state bar exam, administered by the National Conference of Bar Examiners and given on a separate date from the state’s main bar exam. Each state uses a different minimum passing score (e.g., IL (80); MO (80); TX (85); CA (86)). The MPRE score from one jurisdiction may transfer to another jurisdiction if the minimum passing score is obtained. The two-hour MPRE consists of 60 multiple choice questions.

**In many states, one may take the MPRE while in law school.** The dates and costs below may change – please check the website [http://www.ncbex.org/exams/mpre/](http://www.ncbex.org/exams/mpre/), as well as the official website of the state bar exam where you plan to take the exam. The test sites fill up, so register early to get the closest site.

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<tr>
<th>Test Date (Saturday)</th>
<th>Regular Registration Deadline (Fee: $95)</th>
<th>Late Registration Deadline (Fee: $190)</th>
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<tr>
<td>March 24, 2018</td>
<td>February 1, 2018</td>
<td>February 8, 2018</td>
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<td>August 11, 2018</td>
<td>June 21, 2018</td>
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<td>November 10, 2018</td>
<td>September 20, 2018</td>
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**FIRST WEEK’S READING ASSIGNMENT (Wed. Jan. 17th):**

Intro to rules and course – *read the following three resources, looking for what recent ethical issues are arising, why they are arising, and what the sources of ethical guidance are in the profession:*

(2005 ABA Update)

(2012 San Diego Bar Association summary)
https://www.sdcba.org/index.cfm?pg=Legal-Ethics-Corner-6-18-2012; and

(2017 ABA Formal Ethics Opinion)
https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba_formal_opinion_478.authcheckdam.pdf

**ADDITIONAL COURSE ADMINISTRATION MATTERS**

**INTERNET, LAPTOP, AND PERSONAL DEVICE POLICY:** Use of laptops, tablets, smartphones, and other devices that provide internet access will be permitted in this course during lectures, unless specifically prohibited.

**CLASS RECORDINGS:** Unauthorized recording or distribution of class recordings will be prohibited.

**CLASS EMAIL AND TWEN:** Per the law school regulations, students must regularly check and be responsive to email communications with faculty. Students are expected to regularly check the TWEN course page (http://www.law.siu.edu/_common/documents/rules-code/email-rule-ay16-17.pdf).

**ACADEMIC INTEGRITY:** Students must adhere to the SIU Student Conduct Code policies prohibiting plagiarism, cheating on examinations, false statements regarding assignment completion and authorship, false assertions regarding attendance, and other forms of dishonesty in academic performance. Academic Support is available from Prof. McCubbin, Rebecca Warren, and other staff.

**STUDENT SERVICES:** SIU has multiple resources through the law school and Saluki Cares for students with personal needs for support, including mental health, medical and other disability needs, as well as anti-discrimination, financial, legal, and other services (see http://www.law.siu.edu/about/student-experience/support-services.html). These support services are subsidized by your tuition dollars for a good reason. Law school is renowned for being academically difficult, but law students are also adults who frequently have other demands on their time, such as outside employment and family. It is a professional strength, not a weakness, to seek additional support to cope with law school if you need. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help you access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

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DISABILITY DISCLOSURE STATEMENT:  Students with disabilities are entitled to reasonable accommodations and academic adjustments (see http://disabilityservices.siu.edu). Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

EMERGENCY PROCEDURES: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in the Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

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