



ACADEMIC COURSE SYLLABUS

COURSE TITLE:	PROFESSIONAL RESPONSIBILITY
COURSE NUMBER:	LAW R505
UNITS:	2
COURSE TYPE:	Required
PROFESSOR(S) NAME:	Rudy Gerber
PROFESSOR CONTACT INFO:	I will be available before and after each class for questions and discussion. You may also make an appointment to talk with me either in person or by telephone. You may call me or e-mail. I like e-mail the best. RGerber5@att.net ; 760 840 7121.
SCHEDULE:	Fall, 2018 Tuesdays, 6-8 pm, Room # 209
PREREQUISITES:	Completion of second-year required coursework.
COREQUISITES:	None
TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.)	NEW: <i>California Legal Ethics, 10th Edition</i> ; Wydick, Perschbacher, and Bassett, West Publishign, ISBN# 9781640207370 OPTIONAL: <i>Dzienkowski's Professional Responsibility: Standards, Rules, and Statutes</i> ; West Group; 2016 edition ISBN-13: 978-1634607667
COURSE DESCRIPTION:	Application of the California Rules of Professional Conduct, the ABA Model Rules of Professional Conduct and relevant case materials; examination of disciplinary system; relationship between disciplinary and legal malpractice liability; duties of attorneys with respect to clients, the courts, opposing parties and the public; problems arising from conflicts of interest.
COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<ul style="list-style-type: none"> • Students must demonstrate the minimum level of competency for an attorney in CA in the subject matter of Professional Responsibility • Students must demonstrate they possess a minimum level of knowledge to pass a CA State Bar Examination question involving the subject matter of Professional Responsibility • Prepare students to take the MPRE exam. • To acquire the skills to identify issues of legal ethics and professional responsibility, to evaluate and decide upon options consistent with one's professional obligations to his client, the court, and the profession.
FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of	Course material will be presented in a lecture-discussion and Socratic method format.

<p>how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<p>Students should be prepared to present & discuss all reading materials and address fact patterns even if not in the readings</p>
<p>EXAMS:</p>	<p>Students must register for and take the MPRE Exam. .</p> <p>This course will have a multiple question exam during the final exam period as published in the Law School Exam Schedule.</p>
<p>GRADING / ASSESSMENT CRITERIA:</p>	<p>A student must receive no less than sixty-five percent of all points possible, once all calculations have been made, to receive credit for the course.</p> <p>Empire College uses the following grading system: <u>Numerically graded classes:</u> 90 – 100 A Outstanding 80 - 89 B Superior 70 - 79 C Satisfactory 65 - 69 D Unsatisfactory 64 and Below Failing/No Credit</p> <p>Only numeric grades in required courses are used to calculate grade point average. This is a numerically graded class.</p> <p>Final examination [66% of the class grade] Class participation and attendance [33%].</p>
<p>ATTENDANCE:</p>	<p>Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. Students must attend a minimum of 80% (30 hours — 12 of 15 classes) of the class sessions during each semester. Roll will be taken at each class.</p>
<p>ASSIGNMENTS: Fall, 2018</p>	<p>Students will be able to sign-up for case class presentations.</p>
<p>Week 1: 9/4</p>	<p>Introduction to Legal Ethics (Optional) Wydick, Perschbacher & Bassett, Chapter 1, pp. 1-28 Sources and Applications of Legal Ethic Rules Wydick, Perschbacher & Bassett, Chapter 2, pp.29-81</p> <p>ABA Model Rules Preamble, Scope and Terminology Rules 5.5, 8.1 through 8.5 CRPC 1-100 through 1-300 Calif. B&P Code §§6067-6068, 6076-6077, 6100-6117, 6125-6126 Calif. CCP §1282.4 Cal. State Rules on Multijurisdictional Practice, Rules 9.45-9.48</p> <p>(Be prepared to sign up for oral presentations see final two pages of this syllabus)</p>
<p>Week 2: 9/11</p>	<p>Beginning and Ending the Lawyer Client Relationship Wydick, Perschbacher & Bassett, Chapter 3, pp.81-114</p> <p>ABA Model Rules</p>

	<p>Rules 1.16, 1.18, 3.1, 6.1 through 6.2 CRPC 2-400, 3-200, 3-700, 4-100(A)(2) and (B)(4) Calif B&P §6068(c)(d)(g) and (h) Calif CCP §128.5 and 128.7</p>
Week 3 9/18	<p>Advertising and Solicitation Wydick, Perschbacher & Bassett, Chapter 4, pp.117-145 ABA Model Rules 7.1 through 7.6, 8.4(a) CRPC 1-320(B)-(C); 1-400; California Standards for Attorney Communications (printed after CRPC 1-400) Skim Calif B&P §§6150-54; 6157-6159.2</p>
	<p>Deadline for receipt of MPRE exam application on-time registration http://www.ncbex.org/exams/mpre/registration/</p>
Week 4: 9/25	<p>Attorneys Fees and Fiduciary Duties Wydick, Perschbacher & Bassett, Chapter 5, pp.147-180</p> <p>ABA Model Rules 1.5, 1.8(e) and 1.15 CRPC 2-200, 4-100, 4-200, and 4-210 Calif B&P Code §6146-6149.5, 6210-6212</p> <p>Plus: below</p>
PLUS -for week 4 also 9/25	<p>Competence, Diligence and Unauthorized Practice Wydick, Perschbacher & Bassett, Chapter 6, pp.181-206</p> <p>ABA Model Rules Preamble, A Lawyers Responsibilities, notes 4 and 7 Rules 1.1 through 1.4, 1.8(h), 1.18, and 5.3 through 5.5 CRPC 1-300 ,1-310, 1-320, 3-110, 3-400, 3-500 and 3-510 Calif B&P Code §§6105, 6125–6126</p>
Week 5: 10/2	<p>Confidential Information Wydick, Perschbacher & Bassett, Chapter 7, pp.207-230</p> <p>ABA Model Rules 1.2(d) and comment 10, 1.6, 1.8(b), 1.9(b), 3.3, 3.4(a) and 4.1 CRPC 3-100, 5-200 Calif B&P Code §6068(d) and (e), 6128(a) Calif Evid.. Code §§950–962</p>
Week 6: 10/9	<p>Candor Wydick, Perschbacher & Bassett, Chapter 8, pp.231-262</p> <p>ABA Model Rules 1.6, 3.3, 4.1, 8.1 and 8.4c CRPC 5-200, 5-220 Cal B&P Code 6068c,(d), (g), 6106, 6128(a)</p>

<p>Week 7: 10/16</p>	<p>Fairness in Litigation Wydick, Perschbacher & Bassett, Chapter 9, pp.263-290</p> <p>ABA Model Rules Rules 3.1 through 3.9 , 4.2 through 4.4 and 8.3(a) ABA Model Code of Judicial Conduct Rules 2.6, 2.9, 2.10 and 3.13 CRPC 2-100, 3-200, 3-210, 5-100, 5-200, 5-220, 5-300, 5-310 and 5-320 Calif B&P Code §§ 6068(b),(c), (d), (f) and (g); 6103 and 6128(a)</p>
<p>Week 8: 10/23</p>	<p>Bias in (and Out of) The Courtroom Wydick, Perschbacher & Bassett, Chapter 10, pp.291-312 Review ABA Model Rules 1.8(j), 3.4, 3.5, 4.4 and 8.4 CRPC 2-400 and 3-120 ABA Model Code of Judicial Conduct Canons 1-3, Rules 1.2, 2.2, 2.3, 2.11(A)(1), 2.12, 3.1 and 3.6</p>
<p>Week 9: 10/30</p>	<p>Conflicts of Interest–Lawyers, Clients and Third Parties Wydick, Perschbacher & Bassett, Chapter 11, pp.313-341 ABA Model Rules Rules 1.2, 1.7, 1.8, 1.10, 1.13, 1.14, 1.18, 2.1, 3.7 and 5.4(c) CRPC 1-600, 3-120, 3-300, 3-310, 3-320,, 3-600, 4-210, 4-300, 4-400, and 5-210 Calif B&P Code §6106.8</p>
<p>Week 10: 11/6</p>	<p>Conflicts of Interest–Conflicts Between Two Clients Wydick, Perschbacher & Bassett, Chapter 12, pp.343-382 ABA Model Rules , Rules 1.7, 1.8(b),(g) and (i), 1.9 through 1.12, 1.18 and 6.3 CRPC 1-120 and 3-310 Calif B&P Code §6068(e)</p>
<p>Week 11: 11/13</p>	<p>Chapters 13-14 in text. Two cases to present: Birbrower v. Superior Ct, p. 398 _____ Cheney v. US Dist. Ct, p. 439 _____</p>
<p>Week 12: 11/20</p>	<p>Practice exam to be done during class</p>
<p>Week 13: 11/27</p>	<p>Movie dealing with legal ethics. Take notes of all ethical violations, even close ones. Class will start promptly at 6 pm and will continue to end of movie without a break.</p>
<p>Week 14: 12/4</p>	<p>Last regular class. Review student notes of ethical violations as well as practice exam .</p>
<p>Week 15: Final Exam – date tbd during week of DEC 10-13</p>	<p>See Law School exam schedule for final exam date. Exam will consist of 50 multiple choice questions similar to the MPRE.</p>

Syllabus is subject to change. (See next two pages for oral presentation sign-ups list)

Oral presentations:

Sign-ups

9/11 ch.3, Bothwell, p. 87 _____
Rosenberg, p. 101 _____
Kriegsman, p. 106 _____

9/18 ch.4, Bates, p. 122 _____
Ohralik, p. 130 _____
FL Bar/ Went for It, p. 135 _____

9/25, chs. 5 & 6, Wheeler, p. 151 _____
WY Bar/Casper p.160 _____
Lawyer Layton (problem), p. 182 _____
Lawyer Levitt (problem) p.184 _____

10/2 ch. 7, WA/Olwell, p. 210 _____
Meredith, p. 214 _____
People/Belge (look up), p. 220 _____

10/9 ch. 8, Braun, p. 234 _____
Jones, p. 237 _____
Johnson, p. 250 _____

10/16 ch. 9, Lind, p. 270 _____
Gentile p. 275 _____
Vincenti p. 276 _____

10/23 ch. 10, Monaghan, p. 295 _____
Miller-El, p. 304 _____
Erickson, p. 307 _____

10/30, ch. 11, Wausau/Seeno, p. 319 _____
Phillips, p. 326 _____
White, p. 330 _____

Oral presentations:

Sign-ups

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11/6, ch. 12, State Farm, p. 346 _____
Kirk, p. 350 _____
Cho, p. 360 _____
Goldberg, p. 365 _____

11/13 chs 13-14, Birbrower, p. 392 _____
Cheney, p. 432 _____

Oral presentations should address the arguments on both sides as well as the decision and reason for it. Give us the “take home message.” Plan on about 10 minutes for your part. Be ready for questions.