

WESTERN STATE UNIVERSITY COLLEGE OF LAW
READING ASSIGNMENTS – FINAL 5/31/17

COURSE: PROFESSIONAL RESPONSIBILITY

SECTIONS: 240-A

SEMESTER: Summer 2017

TIME: T 6:40 to 9:50 P.M.

TH 6:40 to 9:50 P.M.

PROFESSORS: SALL and KRUEGER

I. **REQUIRED TEXTS.** The required texts must be brought to all classes.

Thomas D. Morgan, Ronald D. Rotunda & John S. Dzienkowski, Professional Responsibility: Problems and Materials, Twelfth Edition [“CONCISE”] (Foundation Press 2014) (“**Casebook**”)

Thomas D. Morgan & Ronald D. Rotunda, Selected Standards on Professional Responsibility (Foundation Press 2017) (“**Selected Standards**”)

Supplemental Materials Assigned for Each Class (“**Supplement**”)

You are expected to have read any rules or statute sections in the Selected Standards to which the problems or readings in the Casebook refer. The supplemental materials will include articles, cases, and ethics opinions to be read for class.

II. **COURSE COVERAGE & OBJECTIVES.** The field of legal ethics is an area of law that permeates all aspects of your professional life. The purpose of this course is three-fold. *First*, the course will identify for you the substantive rules or standards of legal ethics, not only the minimum standards to which all lawyers must conform, but also professional conduct to which all lawyers should aspire. *Second*, by discussing factual situations that present ethics issues, the course is intended to expose you to common ethical issues encountered in practice and to give you experience in analyzing those issues. *Finally*, the course will help you prepare for the bar exam, not only the Multistate Professional Responsibility Examination (MPRE) which all prospective lawyers must take, but also the California Bar Exam, which tests professional responsibility every exam in the essay and performance parts of the exam. However, the course’s primary objective is to educate you about practical ethical concerns, how to identify them and how to address them in your practice so that you will become and remain a trusted and respected member of the legal profession. There will be subjects covered on the MPRE that are not addressed by this course, including notably the ethical rules governing judges.

Unlike other states that have adopted some version of the *ABA Model Rules of Professional Conduct* (“Model Rules”),¹ California has its own set of rules, the *California Rules of Professional Conduct* (“California Rules”). California also sets out ethical duties for lawyers in the *Business & Professions Code*. In addition, provisions of other California Codes, including the Civil Procedure Code, Corporations Code, Evidence Code, Insurance Code, Penal Code, and Probate Code, directly govern lawyer conduct. Many of these authorities are set out in the Selected Standards or discussed in the cases and ethics opinions in the Supplement. Lawyers practicing in California must be familiar with the Model Rules as well as both sets of California regulations (rules & statutes). The Model Rules are often serve a gap-filling role if the California regulations do not address a specific subject. For example, several California cases addressing disqualification of attorneys for litigation misconduct have formulated standards based off of the Model Rules. Moreover, the California Supreme Court is in the process of considering the adoption of a new set of California Rules much more closely modeled on the Model Rules (“Proposed Rules”. While elements of the existing California Rules will survive, as will the unique statutory scheme in place

¹ Until several years ago, there were still several jurisdictions that had rules based on the *ABA Model Code of Professional Responsibility* (“ABA Code”), which is included in your Selected Standards book. Now, however, no jurisdiction still has ABA Code-based rules. You will not be responsible for the ABA Code in this course, except to the specific extent we discuss it in class.

in California, familiarity with the Model Rules will be invaluable if the Proposed Rules are adopted. We will discuss a small number of the Proposed Rules during the course, but you will not be responsible for the Proposed Rules that are not discussed. The California Supreme Court has already adopted one of the Proposed Rules – new rule 5-110 – which is assigned in class 11.

Legal ethics often involves “grey areas.” Many of the rules cannot be mechanically applied and the functioning of the rules in practice is intensely fact-specific. Class discussions will focus on the factual situations presented in each problem in the Casebook (supplemented with hypotheticals to be discussed in class), the governing rules, and the policies and rationales underlying the rules. The Casebook contains questions that identify the issues for each problem, creating a framework for class discussion. We will use those questions to supplement our understanding of the principles – this is the only effective way to develop an understanding of the rules’ application in practice. We expect everyone in the class to have done the reading and be prepared to participate in class discussion each day. If you expect the Casebook to neatly describe majority and minority approaches to the legal issues presented – as you may have seen in Torts, for example – you will be disappointed. Instead, review the questions presented, then review the Model Rules and/or California Rules and think about how they govern or inform the questions. Not all questions posed in the Casebook have a “correct” answer.

- III. **CLASSROOM PARTICIPATION.** Legal education is a cooperative venture. You must be prepared to participate in each class. Consistent and outstanding contribution to class discussion can increase your grade. Please note, however, that there is a difference between being unprepared and being unable to answer a particular question. You will *not* be down-graded for venturing an incorrect answer. **Nevertheless, “passing” or being demonstrably unprepared will decrease your final grade.** Finally, coverage of reading assignments is fluid, i.e., we will not always cover all of the assigned material during the scheduled class periods. Often, we will carry over the assignments to the next week, particularly at the beginning of the semester. You will *not* be excused from being prepared because you might have read the material a week or two before and now claim that you “don’t remember it.”

A Note About The Supplemental Readings. A quick review of the Course Schedule will show that much of the supplemental reading is front-loaded, that is, most of the supplemental readings relate to Casebook problems that we will consider during the first half of the course. This is unavoidable because the early problems are “foundational,” i.e., they present legal ethics concepts that will recur throughout the course. For example, Problem 7, concerning the duty of confidentiality, will be central to nearly every problem we cover. The same can be said of Problem 4, which presents an overview of the attorney-client relationship; Problem 10, which addresses the duty of loyalty; and Problems 2 and 3, which address the duty of competence.

Conflicts of Interest and Ethical Screens. There is a substantial amount of reading concerning problems 9 to 15 (Conflicts of Interest). We expect you to complete the reading for problems 10 through 15 by June 20. Please pay close attention to footnote 7 below.

ABA and State Bar Ethics Opinions. We are also introducing you to ABA Formal Ethics Opinions and State Bar of California Formal Ethics opinions. The former are drafted by the ABA’s Standing Committee on Ethics and Professional Responsibility. Although they are not binding in any jurisdiction, nearly every court in the United States has relied upon them in discipline and malpractice cases, as well as in other cases involving issues of professional obligation (e.g., in criminal cases involving ineffective assistance of counsel). The California opinions, drafted by the State Bar’s Committee on Professional Responsibility and Conduct (“COPRAC”), will help those of you who remain in California to resolve ethics problems you confront in your practice. As with the ABA opinions, California courts have repeatedly relied upon COPRAC opinions’ reasoning. The ethics opinions in the supplement also provide excellent background and guidance on many of the issues we will address during the semester.

- IV. **CLASS ATTENDANCE.** Attendance and participation are required for all classes. Unexcused absences will lower your grade. Because this is a summer course, we move quickly and missing

even a single class will result in a substantial gap in your knowledge of the material. It is better to attend class and be unprepared than to miss a class. Because this is a three-hour course, missing more than 2 classes will result in your administrative dismissal from the course. Being on time for class is a simple courtesy to your fellow students and your professors.

V. **EXAMINATIONS AND GRADING.** Each student will receive a numeric grade for the course. Course grades will be based on a final examination given during the final examination period, Details of the final exam will be announced during class 8.

VI. **OFFICE HOURS.** To the extent possible, one or both of us will hold in-person office hours, in the first floor adjunct offices, from 2:30 to 4:30 p.m. on Tuesdays when the course meets. It is possible that due to obligations in our private practice, we will be unable to hold office hours on particular days. We will make every effort to email you in advance if we are going to be late or unavailable for office hours on any particular day. These office hours are open to all students – if you wish to arrange a private meeting please contact us or call during telephonic office hours.

We also have telephonic office hours from 2:30 to 4:30 p.m. on Thursdays when class meets. To reach us, please call 949-499-2942 (our law office number) and ask to speak to either of us. We are also willing to schedule telephonic conferences at other times if these times do not work for you. Please email both of us at msall@sallspencer.com and bkrueger@sallspencer.com in order to set up an appointment.

VII. **RECORDING CLASSES.** No video- or audio-recording is permitted during class.

VIII. **PREPARING FOR CLASS.** Please note that the Course Schedule on the following pages is divided into six columns: Class, Date, Assignment, Focus on Questions, Topic and Supplemental Readings. The first, second, third and fifth columns are self-explanatory. In the fourth column, I've tried to narrow your focus to those questions that are most relevant to the kinds of issues you might confront in your practices. The last column sets out the supplemental cases, ethics opinions, etc., for which you are responsible. It is expected that preparing for each class will require six or more hours outside of classes, though, because the supplemental reading is front-loaded, please expect to spend more time in the first weeks.

IX. **COMPLIANCE WITH ABA STANDARD 310.** This Course is in compliance with ABA Standard 310 regarding requirements for credit hours earned. See http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2016_standard_310_guidance_memorandum.authcheckdam.pdf

X. **WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES.**

1. **Doctrinal Knowledge.** Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

2. **Practice Skills.** Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-

discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

3. **Legal Analysis.** Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

4. **Legal Research.** Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

5. **Communication.** Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

6. **Advocacy of Legal Argument.** Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

7. **Client Sensitivity and Cultural Competency.** Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

8. **Legal Ethics.** Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

XI. ARGOSY UNIVERSITY INSTITUTIONAL LEARNING OUTCOMES.

1. **Analytical Reasoning.** Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

2. **Effective Communication.** Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

3. **Information Competency.** Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

4. **Interpersonal Effectiveness.** Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

5. **Personal and Professional Integrity and Ethical Behavior.** Demonstrate a multi-dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

6. **Professional Competence.** Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession

XII. **DISABILITY SERVICES STATEMENT:**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

XIII. COURSE SCHEDULE

CLASS	DATE	ASSIGNMENT	FOCUS ON QUESTIONS ²	TOPIC	SUPPLEMENTAL READING ³	
1	6/6			I. <u>INTRODUCTION: BACKGROUND & FUNDAMENTAL ISSUES</u>		
		Casebook, pp. 1-19		SOURCES OF THE LAW GOVERNING LAWYERS AND THE THEORY OF SELF-REGULATION	CA Bus. & Prof. Code §§ 6068 & 6100; Preamble to the Model Rules; Model Rule 1.0	
				II. <u>REGULATION OF LEGAL PROFESSION</u>		
		Problem 1 (20-30)	ALL QUESTIONS	ADMISSION TO THE BAR	1. HYPO: VIETNAM WAR BOMBER ; ⁴ POLIN BAR ADMISSION FACTORS ; <u>In re Glass</u> (S31); <u>In re Chang</u> (S27); <u>Matter of Pasyanos</u> (S208); <u>In re Grimsley</u> (S214); Cal. Rule 1-200.	
		Problem 2 (30-44)	ALL QUESTIONS	LAWYER DISCIPLINE AND THE DISABLED LAWYER (DISCIPLINE MACHINERY OF THE BAR)	2. <u>Matter of Elkins</u> (S201).	
Problem 3 (44-58)	ALL QUESTIONS	REGULATING LAWYERS OUTSIDE THE FORMAL DISCIPLINARY SYSTEM (LEGAL MALPRACTICE)	3. <u>Lee v. Hanley</u> (S21); Cal. Rule 3-410; Cal. Op. 2015-193 (S353).			
2	6/8			III. <u>FUNDAMENTALS OF THE LAWYER-CLIENT RELATIONSHIP</u>		
		Problem 4 (59-73)	A.1,2,3,4 B.1,4 C.1,2,3,4 D.1,2,3, 5	UNDERTAKING TO REPRESENT A CLIENT	4. HYPO: THE PARTY ATTORNEY ; Cal. Op. 2003-161 (S287) [A.1-4,C.]. ⁵	

² Class discussion will focus on the questions that follow each problem. Be sure to do the readings that follow the questions, and read carefully the supplemental court decisions, ethics opinions and other materials that are referenced in the column labeled "Supplemental Reading."

³ References to "S" followed by a number refer to the page in the Supplement. Unless otherwise indicated, California Rules, the Model Rules, and the California Business & Professions Code are located in Selected Standards. Other items listed under "Supplemental Readings," e.g., hypotheticals and handouts, will be available by the class before the class in which they are discussed.

⁴ The handouts for Problem 1 will be distributed by May 31, 2017.

⁵ Where applicable, numbers in brackets identify the specific question in the problem to which the supplemental reading relates.

CLASS	DATE	ASSIGNMENT	FOCUS ON QUESTIONS ²	TOPIC	SUPPLEMENTAL READING ³	
		Problem 5 (73-86) BEGIN	A.1,2.a-c,3,4.a B.1.a,b,2,4 C.1,2,3,4 D.1,2	BILLING FOR LEGAL SERVICES	5. HYPQ: LEGAL FEES ; ABA Op. 93-379 (S241).	
3	6/13	Problem 5 (73-86) COMPLETE	A.1,2.a-c,3,4.a B.1.a,b,2,4 C.1,2,3,4 D.1,2	BILLING FOR LEGAL SERVICES	5. HYPQ: LEGAL FEES ; ABA Op. 93-379 (S241).	
		Problem 6 (86-99)	A.1,2,3,4,5,6 B.1,2,3,4,5.a,c C.1,2,3,4 D.1.a-c,2,4	HANDLING CLIENT MONEY & PROPERTY & WITHDRAWING FROM REPRESENTATION	6. Cal. Op. 2015-192 (S343); ABA Op. 15-471 (S271).	
4	6/15	Problem 7 (100-120)	ALL QUESTIONS AND OTHER MATERIALS AT PP. 116-120	THE DUTY OF CONFIDENTIALITY ⁶	7. CONFIDENCES & PRIVILEGE HANDOUT ; <u>Lenz v. Universal Music (S12)</u> ; <u>Ardon v. City of Los Angeles (S15)</u> ; <u>Costco Wholesale v. Super Ct (S52)</u> ; <u>Holmes v. Petrovitch (S126)</u> ; <u>Matter of Skinner (S219)</u> ; Cal. Op. 1997-150 (S278); Cal. Op. 2003-161 (S287); Cal. Op. 2004-165 (S297); Cal. Op. 2010-179 (S312); Cal. Op. 2012-184 (S320); Cal. Op. 2015-192 (S343); Cal. Op. 2016-195 (S360); ABA Op. 11-459 (S264). HANDOUT (PROBS. 4, 5 & 7): THE UNPAID FEE.	
		IV. THE REQUIREMENT OF LOYALTY TO THE CLIENT – CONFLICTS OF INTEREST				
		Problem 9 (121-134)	A.1,2,3 B.2,3,4,5.b C.1,2.a,c,d,3.a,b,4.a,5,6 D.1.a,b,2.a,b	REPRESENTING MULTIPLE PARTIES DEALING WITH EACH OTHER	9. CONFLICTS HANDOUT: OVERVIEW	

⁶ There are three separate topics in this problem: The ethical duty of confidentiality, the attorney-client privilege, and the work product doctrine. The additional materials concern: (i) privilege and work product in corporate setting; (ii) common interest privilege among multiple parties; and (iii) limits on confidentiality where there is a risk of injury to third parties, i.e., as set forth in MR 1.6(b)(1), (2) and (3). Note that California has no equivalent to MR 1.6(b)(2) and (3).

CLASS	DATE	ASSIGNMENT	FOCUS ON QUESTIONS ²	TOPIC	SUPPLEMENTAL READING ³	
5	6/20	PREPARE PROBLEMS 10-15 FOR CLASS ON 6/20/2017. ⁷				
		Problem 10 (134-155)	A.1,2,3,4.a,b,5.a,b,6. B.1,2,3.a-c C.1,2,3.a, d,e D.1,2.b,c,4 AND PUBLICATION RIGHTS (154)	THE DUTY OF LOYALTY	10. <u>Oasis West v. Goldman</u> (S44); <u>M'Guinness v. Johnson</u> (S87); <u>Edwards Wildman v. Super Ct.</u> (S97); Cal. Op. 1997-150 (S278) [A.4.b]	
		Problem 12 (155-168)	A.1, 2, 3. B.1, 2, 3 C.1, 2, 3 D.2,3 AND THIRD PARTY PAYOR (166)	CONFLICTS BETWEEN THE CLIENT'S INTERESTS AND THE LAWYER'S PERSONAL INTEREST	12. <u>In re Marriage of Murchison</u> (S80); <u>Matter of Bradley</u> (S194); <u>Disciplinary Counsel v. Detweiler</u> (S216); Cal. Rules 3-120, 3-300; 3-310(B); 3-320.	
		Problem 14 (168-179) Problem 28 (354-356)	A.1,2.a-c B.1,2.a,b,e,3,4.a,b C.1,2.a,b,3 D.1, 2 AND Prob. 28 (D.1-4) [LAWYER AS WITNESS]	THE LAWYER AND HER FORMER CLIENT; GOVERNMENT LAWYERS ⁸	14. <u>Oasis West v. Goldman</u> (S44); <u>City & County of San Francisco v. Cobra</u> (S59); <u>People v. SpeeDee Oil</u> (S66); <u>In re Marriage of Murchison</u> (S80); <u>Costello v. Buckley</u> (S83); <u>Ochoa v. Fordel</u> (S160); <u>Pound v. DeMera DeMera Cameron</u> (S166); <u>City of Santa Barbara v. Super Ct</u> (S171); <u>City Nat'l Bank v. Adams</u> (S178); <u>Adams v. Aerojet</u> (S184); <u>Kirk v. First American Title</u> (S136); Cal. Op. 2003-161 (S287); Cal. Op. 1997-150 (S278)	
Problem 15 (179-196)	A.1,2,3,4 B.1.b, 2.b,c, 3 C.1.b,2.b,3 D.1,2,3	IMPUTED DISQUALIFICATION	15. Same as Problem 14.			

⁷ We will cover the substance of Problems 9-15, *Conflicts of Interest*, during classes 4-6, with a likely carryover to class 7. Beginning in class 4 and going into class 5, we will lecture on Conflicts of Interest. To help you follow the lecture, we will distribute an outline during class 5. The lecture will cover topics from all of the problems, and you will find the lecture easier to follow and more helpful if you have completed the reading for all conflicts problems by class 4. You must complete the reading by class 5, when we will begin to discuss Problems 10-15 individually.

⁸ **NOTE:** Although we have not assigned **Problem 16**, the lectures and handouts will cover government lawyer conflicts, *for which you are responsible*.

CLASS	DATE	ASSIGNMENT	FOCUS ON QUESTIONS ²	TOPIC	SUPPLEMENTAL READING ³
6	6/22	Same as Class #5	SAME AS CLASS #5	CONTINUE DISCUSSION OF CONFLICTS SUMMARIZE & FINISH CONFLICTS OF INTEREST	SAME AS CLASS #5 AND CONFLICTS HANDOUT: PROPOSED CALIFORNIA RULES
V. <u>ADVISING CLIENTS</u>					
7	6/27	Problem 17 (211-223)	A.1,2,3 B.1,2,3 C.1,2.b,3, 4.a D.1,2, 3	THE LAWYER FOR AN INDIVIDUAL CLIENT	
		Problem 18 (223-234)	A.1.a,2.a,3.a,4 B.2,3,4,5 C.1,2,3.a,4 D.3	ADVISING THE BUSINESS CORPORATION	18. <u>United States v. Ruehle</u> (S4);
8	6/29	Problem 19 (234-235)	A.1,2.a-c,3.b,c,4,5 B.1.b,d,2,3 C.1.a,2,3	COMMUNICATION WITH REPRESENTED AND UNREPRESENTED PERSONS	19. <u>McMillan v. Shadow Ridge</u> (S157); ABA Op. 95-396 Summary (S246); <i>see also</i> Cal. Rule 2-100.
VI. <u>ETHICAL PROBLEMS IN LITIGATION</u>					
9	7/6	Problem 23 (273-287)	A.1.b,2.b,3, 4 B.1.a,c,2,3.c C.1,2 D.1,2.a,3.a-c	THE DECISION TO FILE A CIVIL SUIT	23. <u>Osborne v. Todd Farm Service</u> (S76).
		Problem 24 (287-300)	A.1,2,3.a,b,4 B.1.c,2 C.1,2,3	LITIGATION TACTICS & CIVILITY	24. <u>Osborne v. Todd Farm</u> (S76); <u>Crawford v. JP Morgan</u> (S93); <u>Clark v. Super Ct</u> (S118); <u>Holmes v. Petrovitch</u> (S126); <u>Malin v. Singer</u> (S111); <u>Office of Lawyer Regulation v. Hurley</u> (S229); Cal. Op. 2013-188 (S332); ABA Op. 11-460 (S268); Cal. Rule 3-700;

CLASS	DATE	ASSIGNMENT	FOCUS ON QUESTIONS ²	TOPIC	SUPPLEMENTAL READING ³
10	7/11	Problem 25 (301-312) Problem 20 (253)	Problem 25: A.1,2 B.1,2,3,4 C.1,2 D.1,2 Problem 20: B.1,2,3,4 C.1,2,3	DISCLOSURE OF LAW OR FACTS FAVORABLE TO THE OTHER SIDE	
		Problem 26 (313-316)	A.1,2,3	HANDLING PHYSICAL EVIDENCE	
11	7/13	Problem 27 (327-346)	A.1,2 B.1,2,3 C.1,2,3,4 D.1,2	THE CLIENT WHO INTENDS TO COMMIT PERJURY	28. <u>Blaine v. Doctor's Co.</u> (S221).
		Problem 29 (357-370)	A.1,2,3,4,5,6 B.1.b,2,3.a C.1.a,2.a D.1,2,3	THE CRUSADING PROSECUTOR	29. Administrative Order 2017-04-26 (S417); "The Anatomy of a Snitch Scandal" (S422)
			VII. <u>THE DELIVERY OF LEGAL SERVICES</u>		
12	7/18	Problem 31 (371-395)	ALL QUESTIONS	MARKETING PROFESSIONAL SERVICES	31. HYPOTHESIS: INTERNET ADVERTISING ; Cal. Op. 2001-155 (S281); Cal. Op. 2004-166 (S306) [B.4]; Cal. Op. 2012-186 (S328)
		Problem 32 (395-405)	A.1 B.1,2 C.1,2,3.a,b,4 D.1,2,3,4.a	ETHICS OF REFERRAL TO A SPECIALIST; FEE SPLITTING	32. <u>Mink v. Maccabee</u> (S176); Cal. Op. 2004-165 (S297)
		Problem 33 (405-414)	A.1,2,3,4.a,6 B.1,2.b-d,3	ROLES AND RESPONSIBILITIES IN A MODERN LAW FIRM	33. <u>Edwards Wildman v. Super Ct.</u> (S97); <u>Jay v. Mahaffey</u> (S105); CA Proposed Rule 5.2 (S404)

CLASS	DATE	ASSIGNMENT	FOCUS ON QUESTIONS ²	TOPIC	SUPPLEMENTAL READING ³
13	7/20	Problem 34 (414-427)	A.1,2,3,4,5 B.1.b,2,3 <u>AND</u> SALE/PURCHASE OF LAW PRACTICE (425-426)	LEAVING ONE LAW FIRM AND FORMING ANOTHER	34. Cal. Op. 2014-190 (S336)
13	7/20	Problem 35 (428-440)	A.1 B.2 C.1,2 <u>AND</u> PAYING COSTS (435-437), FINANCING LEGAL SERVICES FOR POOR (437-440)	THE DUTY TO WORK FOR NO COMPENSATION	
		Problem 37 (441-460)	A.1,2,3,4,5,6 B.1,2,3,4,5 C.1,2.c,d,3 D.1,3,4	THE FUTURE OF THE PRACTICE OF LAW	37. Cal. Op. 2001-155 (S281); Cal. Op. 2004-165 (S297); Cal. Op. 2004-166 (S306); Cal. Op. 2012-184 (S320); Cal. Op. 2012-186 (S328); Cal. Op.2015-193 (S353); Possible Additional Reading to Be Announced
			VIII. <u>SPECIAL TOPICS IN LEGAL ETHICS: THE LAWYER IN SOCIETY</u>		
14	7/25	None		LAWYER AS ACTIVIST: "LEGAL HEROES"	
		None		GOVERNMENT LAWYER AS GATEKEEPER	"An Ethics Lesson from the Bush Justice Department" (S366); "Government Lawyers in the Trump Administration" [Abridged] (S368); <u>Lippoldt v. Cole</u> [Abridged] (S233)
		REVIEW SESSION			