

PROFESSIONAL RESPONSIBILITY

Fall 2016

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Western State College of Law

COURSE MEETING TIMES AND LOCATION:

Session: Fall 2016
Times: 6:40 p.m. to 9:50 p.m.

Days: Tuesdays
Location: TBD

CONTACT INFORMATION:

Email: hdhanidina@yahoo.com

OFFICE HOURS:

By appointment in the hour before class.

COURSE DESCRIPTION:

This course involves the comprehensive study of the ethical standards of lawyers and judges within the legal system.

LEARNING GOALS:

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

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(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.

Upon successful completion of the course, students should be able to:

- A. Identify potential ethical problems that regularly occur in the practice of law.
- B. Analyze ethical questions by applying ABA and California Bar standards.
- C. Develop practice tips to avoid ethical issues as they arise.

REQUIRED RESOURCES:

1. Required Reading Materials

a) *Professional Responsibility Problems and Materials, 12th Edition* by: Thomas D. Morgan, Ronald D. Rotunda and John S. Dzienkowski

b) *Selected Standards on Professional Responsibility, 2016 Edition* by: Thomas D. Morgan and Ronald D. Rotunda

LEARNING ACTIVITIES:

1. Attendance and Class Participation – All students are expected to come to class each night prepared to discuss the assigned readings and problems. In each class, any student can expect to be called upon to lead the discussion on one or more of the readings and to answer questions posed by the professor and other students. Class participation will count toward the final grade in the class. For this reason, attendance is mandatory. Only one (1) unexcused absence will be tolerated. Two or more unexcused absences may result in a student receiving a failing grade in the course. Three absences of any kind will result in a failing grade per school policy. Students are warned that the quantity of class participation is not determinative of a student's ability to earn credit for class participation; rather, the *quality* of participation is also taken into account.
2. Readings Assignments – Unless otherwise specifically assigned, reading assignments are taken from the required resources specified above. The reading assignments listed for each class are those readings which a student must complete *before* the class in order to be prepared for class that week. It is estimated that, on average, the assigned reading and other classroom preparation should require six or more hours outside of class.
3. Exam – There will be a final exam at the conclusion of the term. Your course grade will also take into account your class participation.

ATTENDANCE.

The College of Law requires regular and punctual class attendance of students. Satisfactory attendance in a course means attending at least 85% of scheduled classes during the semester. The percentage of absences is intended to account for the occurrence of unplanned events. If the student has an extended illness or absence due to religious observance, special arrangements may be made with the instructor to enable student to satisfy the attendance requirement. Individual professors have discretion to require a higher percentage of attendance upon written notice to the students.

A student must attend the class for which he or she is registered. If a student fails to satisfy the attendance requirement in a required course, a limited enrollment course or an externship, the student shall be excluded from the remainder of classes or course sessions and shall receive a failing grade designated as AF on his or her transcript. If the course exclusion results in fewer than twelve (12) units for a full time student or

eight (8) units for a part time student, financial aid may be affected.

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 Second Floor Students Services Suite. 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 Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Students with special, diagnosed learning needs should arrange to meet their professors at the earliest possible time to arrange for reasonable accommodations for their learning needs. Please be advised that it is the student's responsibility to notify me in advance of any need for accommodation of a disability that has been verified by the University.

ADDITIONAL INFORMATION:

1. Please ***turn off all cell phones and pagers before class begins***. While the professor understands that sometimes people forget to do so, it is unacceptable to actually *use* a cell phone during class. Students who talk on their phones during class or who text-message while in class may be banished from class, and for repeated violations may be failed.
2. No individualized "extra-credit" work will be permitted.

COURSE SCHEDULE & ASSIGNMENTS:

CLASS	TOPIC	READING ASSIGNMENT:
Week 1	The Legal Profession Background	Chapter I, Pages 1-19
Week 2	Regulation of the Legal Profession	Chapter II, Pages 21-58

Week 3	Fundamentals of the Lawyer-Client Relationship	Chapter III, Pages 59-120
Week 4	Loyalty to the Client	Chapter IV, Pages 121-168
Week 5	Loyalty to the Client	Chapter IV, Pages 168-210
Week 6	Advising Clients	Chapter V, Pages 211-245
Week 7	Advising Clients	Chapter V, Pages 245-271
Week 8	Litigation	Chapter VI, Pages 273-300
Week 9	Litigation	Chapter VI, Pages 301-346
Week 10	Litigation	Chapter VI, Pages 346-370
Week 11	Delivery of Legal Services	Chapter VII, Pages 371-414
Week 12	Delivery of Legal Services	Chapter VII, Pages 414-460
Week 13	Judges	Chapter VIII, Pages 461-488
Week 14	In-Class Final Exam	