

WESTERN STATE UNIVERSITY COLLEGE OF LAW
READING ASSIGNMENT – WEEKS 1 & 2

COURSE: PROFESSIONAL RESPONSIBILITY
SECTIONS: 240-A
SEMESTER: FALL 2013
TIME: M/W 9:00 to 10:30 A.M.
PROFESSOR: MOHR

I. **REQUIRED TEXTS**

Thomas D. Morgan & Ronald D. Rotunda, Professional Responsibility: Problems and Materials, Eleventh Edition [“CONCISE”] (Foundation Press 2011) (“**Casebook**”)

Thomas D. Morgan & Ronald D. Rotunda, 2013 Selected Standards on Professional Responsibility (Foundation Press) (“**Selected Standards**”)
Kevin Mohr, Supplemental Materials for Professional Responsibility (Fall 2013) (“**Supplement**”).¹

The required texts must be brought to all classes. 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 Supplement includes cases and state bar ethics opinions to be read for class. It will be available on during the first week of class, in the Business Office. On the first class day, I will discuss other study materials to help you with the course material.

II. **COURSE SCHEDULE**. Please note that class 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. It is your responsibility to keep track of how far we have gone in the previous class and make sure you are prepared. You will not be excused from being prepared because you read the case two weeks before and “don’t remember” it. I expect you to be prepared on the first day of class; at a minimum, you must have prepared an issue statement for each assigned case in the Supplement.² Please note that the syllabus and full reading schedule, as well as a supplement of additional cases we will cover during the semester, will be available during the first week of class.

- **NOTE:** Underlined cases are in the 2013 Supplemental Case Materials, which are available beginning the week of August 4, 2013.

¹ The Supplement is available for purchase beginning the week of August 4, 2013. You can purchase the supplement from Brenda Ishmael in Room 212 of Student Services. The cost is **\$30.00**. You must purchase the supplement BEFORE the semester begins. See note 2.

² To be minimally prepared, I expect that for each assigned case, every student will have **typed** an issue statement (double-spaced) that incorporates both facts and law. See Case Briefs: How to Brief A Case (Mohr), Section II.D., on writing issue statements – available on WSU web site. **BRING A HARD COPY OF YOUR ISSUE STATEMENTS TO CLASS.**

WEEK	DATES	ASSIGNMENT	FOCUS ON QUESTIONS ³	TOPIC	SUPPLEMENTAL READING ⁴
1	8/26, 8/28	Casebook, pp. 1-18		I. <u>INTRODUCTION: BACKGROUND & FUNDAMENTAL ISSUES</u>	
				II. <u>REGULATION OF LEGAL PROFESSION</u>	
		Problem 1 (20-28)	ALL QUESTIONS	ADMISSION TO THE BAR	1. <u>Matter of Pasyanos</u> (S225) Hypo: Vietnam War Bomber ⁵ Polin Bar Admission Factors Cal. Rule 1-200.
		Problem 2 (28-42)	ALL QUESTIONS	LAWYER DISCIPLINE AND THE DISABLED LAWYER (DISCIPLINE MACHINERY OF THE BAR)	2. <u>Matter of Elkins</u> (S242).
		Problem 3 (43-57)	ALL QUESTIONS	REGULATING LAWYERS OUTSIDE THE FORMAL DISCIPLINARY SYSTEM (LEGAL MALPRACTICE)	3. ABA Model Court Rule on Insurance Disclosure (S353); Cal. Rule 3-410; Cal. Op. 2012-184 (S314).
2	9/4, ⁶ 9/9			III. <u>FUNDAMENTALS OF THE LAWYER-CLIENT RELATIONSHIP</u>	
		Problem 4 (59-72)	A.1,2,3,4 B.1,4 C.1,2,3,4 D.1,2,3,4	UNDERTAKING TO REPRESENT A CLIENT	4. <u>Barton v. U.S. Dist. Ct.</u> (S21) [A.4, C.2]; ⁷ <u>Banning Ranch v. Super Ct.</u> (S117) [A.1-4,C.]; Cal. Op. 2003-161 (S276) [A.1-4,C.]; Cal. Op. 2004-166 (S295) [C.]; Cal. Op. 2005-168 (S320) [A.4].
		Problem 5 (73-87) BEGIN DISCUSSION	A.1,2.a-c,3.a,b,4.a B.1.a,b,2,4,5.a,b C.1,2.a,c,3,4.a D.1.a,b,2	BILLING FOR LEGAL SERVICES	5. Hypo: Legal Fees; <u>Cotchett Pitre v. Universal Paragon</u> (S133); ABA Op. 93-379 (S237).

³ 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."

⁴ References to "S" followed by a number refer to the page in the Supplement. 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.

⁵ The handouts for Problem 1 are available on the WSU web site where you downloaded this reading assignment.

⁶ There is no class on Labor Day, Monday, 9/2/13.

⁷ Where applicable, numbers in brackets identify the specific question in the problem to which the supplemental reading relates.