

WESTERN STATE UNIVERSITY COLLEGE OF LAW
SYLLABUS

PROFESSOR: PLAXTON
COURSE: PROFESSIONAL RESPONSIBILITY
SECTION: 240B
SEMESTER: FALL 2020
TIME: TU – 5:30-8:30 P.M.

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

1. Thomas D. Morgan, Ronald D. Rotunda & John S. Dzienkowski, Professional Responsibility: Problems and Materials, Abridged Thirteenth Edition (Foundation Press 2018) (“**Casebook**”)
2. Richard Thomas D. Morgan and Ronald D. Rotunda, Selected Standards on Professional Responsibility, 2020 Edition (Foundation Press) (“**Selected Standards**”)

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.

II. **COURSE COVERAGE & OBJECTIVES.** The field of legal ethics is an area of law that permeates all aspects of your professional life – and also a good part of your personal 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 the kinds of problems you will confront in your practice and provide a basis for understanding how you might ethically resolve those problems. *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 in the essay and performance parts of every exam. The course, however, is not a bar preparation course. Although it will help you prepare for that exam, 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.

Legal ethics often involves “gray areas.” Many of the rules cannot be mechanistically 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. I 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. ***I 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 *ABA Model Rules of Professional Conduct* and the *California Rules of Professional Conduct*, 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., I will not always cover all of the assigned material during the scheduled class periods). Often, I 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.”

- IV. **CLASS ATTENDANCE.** Attendance and participation are required for all classes. Being on time for class is a simple courtesy to your fellow students and your professor. Coming late to class, leaving early, or leaving for a prolonged period during class without prior permission, counts as an absence. Students may be absent no more than two (2) classes. Students who miss more than the permitted number of classes will be administratively dismissed from the class.
- V. **EXAMINATIONS AND GRADING.** Each student will receive a numeric grade for the course. Course grades will be based on a final examination administered during the final examination period. The final will consist of essay questions. Please note: as of the preparation of this syllabus, and due to State and Local orders relating to the COVID-19 pandemic, the final examination will be a take-home exam. However, if we are permitted to resume in-person lectures, the final exam may be administered on campus. If the exam is administered on campus, the final may consist of essay questions and multiple-choice problems. Students will be permitted to use only their Selected Standards textbook; no other texts and/or supplements may be used. Additional information will be provided as we draw near to the final examination.

Practice Examinations: I may distribute previously administered essay exams.

- VI. **OFFICE HOURS.** I do not have set office hours. Accordingly, please contact me at plaxtonm@gmail.com to schedule an appointment.
- VII. **VIRTUAL CLASS.** I have set up a course web page on LexisNexis Classroom. I will post course information on that site. We will also be able to conduct further class discussion on-line. **Everyone must enroll; it is a course requirement.** I regularly e-mail students with information relevant to the course; you are responsible for signing up with a valid e-mail address that you check regularly. Each of you will be responsible for signing up for the course and checking the web site on a regular basis.
- VIII. **RECORDING CLASSES.** If you want to audio record a class, you must ask for permission before each class. Otherwise, no recording is permitted.
- IX. **CLASSROOM TIME, MAKE-UP CLASSES & SPECIAL CLASS SESSIONS.** Because of some obligations I have with my firm, it is possible that I may have to cancel a class and reschedule it. If that happens, it may require that we meet on a weekend day.
- X. **PREPARING FOR CLASS.** Please note that the Course Schedule on the following pages is divided into five (5) columns: Week, Dates, Assignment, Focus on Questions, Topic and Supplemental Readings. The first, second, third and fifth columns are self-explanatory. In the fourth column, I have 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.
- XI. **HOMEWORK TIME EXPECTATIONS.** In connection with Section X above, this Course requires a significant amount of reading, evaluation and analysis. Students should expect to complete, on average, six (6) hours of homework for every three-hour session.
- XII. **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.

XIII. **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. 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."

XIV. **ZOOM REQUIREMENTS**

Due to State and Local orders relating to the COVID-19 pandemic, the class will be held entirely via Zoom. As a result, students are required to comply with the following:

- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify me in advance so you are not marked absent.
- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify me in advance, as you would for an in-person class.

- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify me so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact me.
- Unless directed otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- If you need to leave the lecture to use the restroom, please turn off your camera so that I know you have left your computer.

XIV. COURSE SCHEDULE

WEEK	DATES	ASSIGNMENT	FOCUS ON QUESTIONS ¹	TOPIC	SUPPLEMENTAL READING ²
1	I. <u>INTRODUCTION: BACKGROUND & FUNDAMENTAL ISSUES</u>				
	8/25	Casebook, pp. 1-21	N/A		
	II. <u>REGULATION OF LEGAL PROFESSION</u>				
	8/25	Problem 1 (23-32)	ALL QUESTIONS	ADMISSION TO THE BAR	1. HYPO: Vietnam War Bomber; ³ <u>Polin</u> Bar Admission Factors; <u>In re Glass</u> (2014) 58 Cal.4th 500; <u>Matter of Pasyanos</u> (2005) 4 Cal. State Bar Ct. Rptr. 746
		Problem 2 (33-48)	ALL QUESTIONS	LAWYER DISCIPLINE AND THE DISABLED LAWYER	2. <u>Matter of Elkins</u> (2009) 5 Cal. State Bar Ct. Rptr. 160; Cal. Ethics Op. 2012-184; ⁴ Cal. Ethics Op. 2015-193
		Problem 3 (48-63)	ALL QUESTIONS	REGULATING LAWYERS OUTSIDE THE FORMAL DISCIPLINARY SYSTEM	3. <u>Lee v. United States</u> (2017) 137 S. Ct. 1958; <u>Hassel v. Bird</u> (2018) 5 Cal. 5th 522; <u>Foxen v. Carpenter</u> (2017) 6 Cal. App. 5th 284
2	III. <u>FUNDAMENTALS OF THE LAWYER-CLIENT RELATIONSHIP</u>				
	9/1	Problem 4 (65-81)	A.1,2,3,4 B.1,4 C.1,2,3,4 D.1,2,3,4	UNDERTAKING TO REPRESENT A CLIENT	4. HYPO: The Party Attorney; <u>Lynn v. George</u> (2017) 15 Cal. App. 5th 630; Cal. Ethics Op. 2003-161 [A.1-4,C.] ⁵
		Problem 5 (82-97) BEGIN	A.1,2,a-c,3,4.a B.1.a,b,2,4.a,b C.1,2,3,4 D.1,2	BILLING FOR LEGAL SERVICES	5. HYPO: Legal Fees

¹ 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.”

² Students are required to obtain copies of the cases through LexisNexis or Westlaw. Sometimes, the cases will be posted on LexisNexis Classroom. 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.

³ The handouts for Problem 1 are available on Lexis Classroom.

⁴ Opinions issued by the State Bar of California can be obtained on the LexisNexis Classroom and/or the following website: <http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Opinions>.

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

WEEK	DATES	ASSIGNMENT	FOCUS ON QUESTIONS	TOPIC	SUPPLEMENTAL READING
3	9/8	Problem 5 (82-97) COMPLETE	A.1,2.a-c,3,4.a B.1.a,b,2,4.a,b C.1,2,3,4 D.1,2	BILLING FOR LEGAL SERVICES	6. HYPO: Legal Fees
		Problem 6 (98-113)	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	7. Cal. Ethics Op. 2015-192
4	9/15	Problem 7 (113-136)	ALL QUESTIONS <u>AND</u> OTHER MATERIALS AT PP. 132-136	THE DUTY OF CONFIDENTIALITY ⁶	8. Confidences & Privilege Handout; <u>Los Angeles County Bd. Of Supervisors v. Super Ct</u> (2016) 2 Cal. 5th 282; <u>Costco Wholesale v. Super Ct</u> (2009) 47 Cal. 4th 725; <u>Behunin v. Super Ct</u> (2017) 9 Cal. App. 5th 833; <u>Matter of Skinner</u> (Georgia 2013) 740 S.E. 2d 171; Cal. Ethics Op. 1997-150; Cal. Ethics Op. 2003-161; Cal. Ethics Op. 2004-165; Cal. Ethics Op. 2010-179; Cal. Ethics Op. 2012-184; Cal. Ethics Op. 2015-192; Cal. Ethics Op. 2015-193; Cal. Ethics Op. 2016-195
	IV. THE REQUIREMENT OF LOYALTY TO THE CLIENT – CONFLICTS OF INTEREST				
	9/15	Problem 9 (137-150)	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 #1; Overview; HYPO: Covenant Marriage; Handouts: Conflict Letters; Cal. Ethics Op. 2004-165

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 at pages 116-120 concern: (i) privilege and work product in a corporate setting; (ii) common interest privilege among multiple joint parties; and (iii) limits on confidentiality where there is a risk of physical or financial injury to third parties, i.e., as set forth in MR 1.6(b)(1), (2) and (3).

WEEK	DATES	ASSIGNMENT	FOCUS ON QUESTIONS	TOPIC	SUPPLEMENTAL READING
5	9/22	PREPARE PROBLEMS 10-15 FOR CLASS ON 9/22.			
		Problem 10 (151-174)	A.1,2,3,4.a,b,5.a,b,6. B.1,2,3.a-c C.1,2,3.d,e D.1,2,b,c,4 AND PUBLICATION RIGHTS (188)	THE DUTY OF LOYALTY	10. <u>Sheppard, Mullin, Richter & Hampton v. J-M Manufacturing</u> (2018) 6 Cal. 5th 59; <u>Oasis West v. Goldman</u> (2011) 51 Cal. 4th 811; <u>M'Guinness v. Johnson</u> (2015) 243 Cal. App. 4th 602; <u>Edwards Wildman Palmer v. Super Ct</u> (2014) 231 Cal. App. 4th 1214; Cal. Ethics Op. 1997-150 [A.4.b]; Cal. Ethics Op. 2004-165
		Problem 12 (175-188)	A.1.a,b,2,3. B.1,3.a,b C.1.a,b,d,2,3.b D.2,3 AND THIRD PARTY PAYOR (189-190)	CONFLICTS BETWEEN THE CLIENT'S INTERESTS AND THE LAWYER'S PERSONAL INTEREST	11. <u>Matter of Bradley</u> (2015) Case No. 05-O-03819; ⁷ <u>Disciplinary Counsel v. Detweiler</u> (Ohio 2013) 989 N.E.2d 41
		Problem 14 (191-204) Problem 28 (396-399)	A.1,2.a-c B.1,2.a,b,e,3,4.a,b C.1,2.a,b,3 D.1.b AND Prob. 28 (D.1-4) [LAWYER AS WITNESS]	THE LAWYER AND HER FORMER CLIENT; GOVERNMENT LAWYERS ⁸	12. Conflicts Handout #2: Migrating lawyer; HYPO: The Law Clerk; <u>Oasis West v. Goldman</u> (2011) 51 Cal. 4th 811; <u>City & County of San Francisco v. Cobra</u> (2006) 38 Cal. 4th 839; <u>People v. Speedee Oil</u> (1999) 20 Cal. 4th 1135; <u>Fluidmaster, Inc. v. Fireman's Fund Ins. Co.</u> (2018) 25 Cal. App. 5th 545; <u>Costello v. Buckley</u> (2016) 245 Cal. App. 4th 748; <u>Kirk v. First American Title</u> (2010) 183 Cal. App. 4th 776; <u>Ochoa v. Fordel</u> (2007) 146 Cal. App. 4th 898; <u>Pound v. DeMera DeMera Cameron</u> (2005) 135 Cal. App. 4th 70; <u>City of Santa Barbara v. Super Ct</u> (2004) 122 Cal. App. 4th 17; <u>Adams v. Aerojet</u> (2001) 86 Cal. App. 4th 1324; Cal. Ethics Op. 1997-150; Cal. Ethics Op. 2003-161
		Problem 15 (205-222)	A.1,2,3.a-c,4.a,c B.1,2.b,c,3.b,4,5,6 C.1.b,2.b,3 D.1,2,3	IMPUTED DISQUALIFICATION	13. Same as Problem 14; refer to Cal. Ethics Op. 1997-150 in relation to A.4; See also <u>Kirk v. First American Title, supra</u> .
6	9/29	Same as 9/22	Same as 9/22	CONTINUE DISCUSSION OF CONFLICTS SUMMARIZE & FINISH CONFLICTS OF INTEREST	

⁷ Case text can be obtained here: <http://www.statebarcourt.ca.gov/Portals/2/documents/opinions/Bradley.pdf>

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

WEEK	DATES	ASSIGNMENT	FOCUS ON QUESTIONS	TOPIC	SUPPLEMENTAL READING
V. <u>ADVISING CLIENTS</u>					
7	10/6	Problem 17 (240-253)	A.1,2,3 B.1.a,b,2,3 C.1,2,b,3.a,4.a D.1,2.a,3	THE LAWYER FOR AN INDIVIDUAL CLIENT	14. <u>Supplement</u> – Instructions For Preparing For Problem 17
		Problem 18 (253-264)	A.1.a,2.a,b,3.a,4 B.2,3,4 C.1,2.b-d,3.a,4 D.3	ADVISING THE BUSINESS CORPORATION	15. <u>United States v. Ruehle</u> (9th Cir. 2009) 583 F.3d 600; <u>Paravue Corporation v. Heller Ehrman LLP</u> (9th Cir. 2018) 722 Fed. Appx. 671
8	10/13	Problem 19 (265-277)	A.1,2.a-c,3.b,c,4,5 B.1.b,d,2,3.a C.1.a,2,3.b,c	COMMUNICATION WITH REPRESENTED AND UNREPRESENTED PERSONS	16. <u>McMillan v. Shadow Ridge</u> (2008) 165 Cal. App. 4th 960
VI. <u>ETHICAL PROBLEMS IN LITIGATION</u>					
9	10/20	Problem 23 (310-324)	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	
		Problem 24 (325-338)	A.1,2,3.a,b,4 B.1.c,2 C.1,2,3	LITIGATION TACTICS & CIVILITY	17. <u>McDermott Will v. Sup. Ct.</u> (2017) 10 Cal. App. 5th 1083; <u>Crawford v. JP Morgan Chase Bank, N.A.</u> (2015) 242 Cal. App. 4th 1265; Cal. Ethics Op. 2013-188
		Problem 25 (301-312) Problem 20 (286-287)	A.1,2.a B.1,2,3.b,4.b C.1,2 D.1,2.b,c <u>Brady v. Maryland</u> (Prob. 20, C.3 (CB286-287) & Prob. 29, D.1 (CB411-413)	DISCLOSURE OF LAW OR FACTS FAVORABLE TO THE OTHER SIDE	
		Problem 26 (351-355)	A.1,2,3	HANDLING PHYSICAL EVIDENCE	18. <u>Issue</u> : Confidentiality of client's identity
10	10/27	Problem 27 (367-388)	ALL QUESTIONS	THE CLIENT WHO INTENDS TO COMMIT PERJURY	
		Problem 29 (400-414)	A.1,2,3.a,c,4,5,6 B.1.b,2,3.a C.1.a,2.a D.1,2,3	THE CRUSADING PROSECUTOR	

WEEK	DATES	ASSIGNMENT	FOCUS ON QUESTIONS	TOPIC	SUPPLEMENTAL READING
VII. <u>THE DELIVERY OF LEGAL SERVICES</u>					
11	11/3	Problem 31 (417-444)	ALL QUESTIONS	MARKETING PROFESSIONAL SERVICES	19. HYPO: Internet Advertising; <u>Hassel v. Bird</u> , <i>supra</i> ; Cal. Ethics Op. 2001-155; Cal. Ethics Op. 2001-155; Cal. Ethics Op. 2004-166; Cal. Ethics Op. 2012-186; Cal. Ethics Op. 2016-196
		Problem 32 (445-455)	A.1 B.1,2.a,b,3,4 C.1,2,3.a,b,4.a D.1,2,3,4.a	ETHICS OF REFERRAL TO A SPECIALIST; FEE SPLITTING	20. HYPO: Fee Splitting; <u>Mink v. Maccabee</u> (2004) 121 Cal. App. 4th 835; Cal. Ethics Op. 2004-165
		Problem 33 (456-466)	A.1,2,3,4.a,6 B.1,2.b-d,3	ROLES AND RESPONSIBILITIES IN A MODERN LAW FIRM	21. <u>Edwards Wildman Palmer v. Super Ct</u> (2014) 231 Cal. App. 4th 1214; <u>Jay v. Mahaffey</u> (2013) 218 Cal. App. 4th 1522; Cal. Ethics Op. 2001-155
12	11/10	Problem 34 (466-477)	A.1,2,3,4,5 B.1.b,2,3 <u>AND</u> SALE/PURCHASE OF LAW PRACTICE (477-478)	LEAVING ONE LAW FIRM AND FORMING ANOTHER	22. <u>Heller Ehrman LLP v. Davis Wright Tremaine LLP</u> (2018) 4 Cal. 5th 467; Cal. Ethics Op. 2014-190
		Problem 35 (480-488)	A.1 B.2 C.1,2	THE DUTY TO WORK FOR NO COMPENSATION	

WEEK	DATES	ASSIGNMENT	FOCUS ON QUESTIONS	TOPIC	SUPPLEMENTAL READING
13	11/17	Problem 37 (498-520)	A.1,2,3,4,5,6,7 B.1,2,3,4,5 C.1,2,c,d,3 D.1,3,4	THE FUTURE OF THE PRACTICE OF LAW	23. California MJP Rules; Cal. Ethics Op. 2001-155; Cal. Ethics Op. 2004-165; Cal. Ethics Op. 2004-166; Cal. Ethics Op. 2012-184; Cal. Ethics Op. 2012-186; Cal. Ethics Op. 2015-193
14	11/24	REVIEW SESSION			
15	TBD	Final Exam	Consult Official Final Exam Schedule for Date, Time and Location ⁹		

⁹ Please see Section V above.