#### WESTERN STATE UNIVERSITY COLLEGE OF LAW SYLLABUS

PROFESSOR: FOXX, Brian COURSE: **PROFESSIONAL RESPONSIBILITY** SECTION: SEMESTER: FALL 2021 **TIME: M-W 4:30 PM to 6PM** 

- I. **<u>REQUIRED TEXTS</u>**. The required texts must be brought to all classes.
  - 1. Thomas D. Morgan, Ronald D. Rotunda & John S. Dzienkowski, <u>Professional Responsibility:</u> <u>Problems and Materials</u>. Abridged Thirteenth Edition (Foundation Press 2018) ("Casebook")
  - Richard Thomas D. Morgan and Ronald D. Rotunda, <u>Selected Standards on Professional</u> <u>Responsibility</u>. 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 <u>every exam</u>. 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. <u>CLASSROOM PARTICIPATION.</u> Legal education is a cooperative venture. <u>You must be prepared to participate</u> 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. <u>CLASS ATTENDANCE.</u> 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 see a reduction in their final grade.
- V. <u>EXAMINATIONS AND GRADING</u>. Each student will receive a numeric grade for the course. Course grades will be based on attendance (10%) participation (20%) mid-term (30%) and a final examination administered during the final examination period (40%). The final will consist of essay questions. 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, <u>please contact me at bfoxx@sbcglobal.net</u> to schedule an appointment. Most likely I will be able to meet after class. You may also contact me at (714)309-3689.
- VII. **<u>RECORDING CLASSES.</u>** If you want to audio record a class, you must ask for permission before <u>each class</u>. Otherwise, no recording is permitted.
- VIII. <u>CLASSROOM TIME, MAKE\_UP CLASSES & SPECIAL CLASS SESSIONS</u>. Because of some obligations I have with my office, it is possible that I may have to cancel a class <u>and</u> reschedule it. If that happens, it may require that we meet on a weekend day.
- IX. **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. Please be prepared on Monday to discuss all of the week's assignment.
- X. <u>HOMEWORK TIME AND EXPECTATIONS.</u> In connection with Section IX 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.

### XI. 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.

# 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. Dean Espinoza's phone number and email address are: (714) 459-1117; <u>despinoza @wsulaw.edu</u>. 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 <u>aeasley@wsulaw.edu</u> or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassn1ent."

| WEEK | DATES   | ASSIGNMENT  | FOCUS ON<br>QUESTIONS <sup>1</sup>                           | TOPIC   | SUPPLEMENTAL READING <sup>2</sup>   |  |  |  |
|------|---|---|--|---|---|--|--|--|
|      |   | I. <u>INTRODUCTION: BACKGROUND AND FUNDAMENTAL ISSUES</u> |  |   |   |  |  |  |
|      | 8/23-825  | Casebook,<br>pp. 1-21                                     | N/A  |   |   |  |  |  |
|      |   | II. <u>REGULATION OF LEGAL PROFESSION</u>                 |  |   |   |  |  |  |
| 1    | 8/23-825  | <b>Problem 1</b><br>(23-32)                               | ALL QUESTIONS  | ADMISSION TO THE BAR  | 1. HYPO: Vietnam War Bomber, <sup>3</sup> Polin Bar Admission<br>Factors; <u>In re Glass</u> (2014 58 Cal.4 <sup>th</sup> 500, <u>Matter of</u><br><u>Pasyanos</u> (2005 4 Cal. State Bar Ct. Rptr. 746 |  |  |  |
|      |   | <b>Problem 2</b> (33-48)                                  | ALL QUESTIONS  | LAWYER DISCIPLINE AND THE<br>DISABLED LAWYER                    | 2. <u>Matter of Elkins</u> (2009) 5 Cal. State Bar Ct. Rptr.<br>160;Cal.Ethics Op. 2012-184 <sup>4</sup> Cal. Ethics Op. 2015-193   |  |  |  |
|      |   | <b>Problem 3</b> (48-63)                                  | ALL QUESTIONS  | REGULATING LAWYERS<br>OUTSIDE THE FORMAL<br>DISCIPLINARY SYSTEM | 3. <u>Lee v. United States</u> (2017) 137 S. Ct. 1958; <u>Hassel v.</u><br><u>Bird</u> (2018) 5 Cal. 5 <sup>th</sup> 522; <u>Foxen v Carpenter</u> (2017) 6 Cal.<br>App. 5 <sup>th</sup> 284            |  |  |  |
|      | III. FUNDAMENTALS OF THE LAWYER-CLIENT RELATIONSHIP |   |  |   |   |  |  |  |
| 2    | 8/30-9/1  | <b>Problem 4</b> (65-81)                                  | A. 1,2,3,4<br>B. 1,4<br>C. 1,2,3,4<br>D. 1,2,3,4             | UNDERTAKING TO<br>REPRESENT A CLIENT                            | 4. HYPO: The party Attorney; <u>Lynn v. George</u> (2017) 15<br>Cal. App. 5 <sup>th</sup> 630; Cal. Ethics Op. 2003-161[A.1-4, c] <sup>5</sup>  |  |  |  |
|      |   | <b>Problem 5</b><br>(82-97)<br><b>BEGIN</b>               | A. 1,2.a—c,3,4.a<br>B. 1.a,b,2,4.a,b<br>C. 1,2,3,4<br>D. 1,2 | BILLING FOR LEGAL<br>SERVICES                                   | 5.HYPO: Legal Fees  |  |  |  |

<sup>&</sup>lt;sup>1</sup> Class discussions will focus on the questions that follow each problem. Be sure to do the readings that follow the questions, <u>and read carefully the</u> <u>supplemental court\_decisions</u>, ethic opinions and other material that are referenced in the column labeled "Supplemental Readings."

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> The handouts for Problem 1 are available on Lexis Classroom.

<sup>&</sup>lt;sup>4</sup> 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.

<sup>&</sup>lt;sup>5</sup> Where applicable, number is brackets identify the specific question in the problem to which the supplemental reading relates.

| WEEK | DATES    | ASSIGNMENT                       | FOCUS ON QUESTIONS   | TOPIC  | SUPPLEMENTAL READING  |
|------|----------|----------------------------------|--|--|---|
|      |          | Problem 5<br>(82-97)<br>Complete | A. 1,2.a-c,3,4.a<br>B. 1.a,b,2,4.a,b<br>C. 1,2,3,4<br>D. 1,2             | BILLING FOR LEGAL<br>SERVICES  | 6. HYPO: Legal Fees   |
| 3    | 8/30-9/1 | <b>Problem 6</b><br>((98-113)    | A. 1,2,3,4,5,6<br>B. 1,2,3,4,5.a,c<br>C. 1,2,3,4<br>D. 1,a-c,2,4         | HANDLING CLINET MONEY &<br>PROPERTY & WITHDRAWING<br>FROM REPRESENTATION | 7.Cal. Ethics Op. 2015-92   |
| 4    | 9/8      | <b>Problem 7</b> (112-136)       | ALL QUESTIONS<br><u>AND</u><br>OTHER MATERIALS AT<br>PP. 132-136         | THE DUTY OF<br>CONFIDENTIALITY <sup>6</sup>                              | 8. Confidences & Privilege Handout; Los Angeles County<br><u>Bd. Of Supervisors v. Super Ct.</u> (2016) 2 Cal. 5 <sup>th</sup> 282;<br><u>Costco Wholesale v. Super Ct.</u> (2009) 47 Cal. 4 <sup>th</sup> 725;<br><u>Behunin v. Super Ct.</u> (2017) 9 Cal. App. 5 <sup>th</sup> 833; <u>Matter</u><br><u>of Skinner</u> (Georgia 2013) 740 S.E. 2d 171; Cal. Ethics<br>Op. 1977-150; Cal Ethics Op. 2003-161; Cal. Ethics Op.<br>2004-165; Cal Ethics Op. 2010-179; Cal Ethics Op. 2012-<br>184; Cal Ethics Op. 2015-192; Cal. Ethics Op. 2015-193;<br>Cal. Ethics Op. 2016-195 |
|      |          | IV                               | THE REQUIREMEN   | T OF LOYALTY TO THE CLIEN  | Γ –CONFLICTS OF INTEREST  |
| 5    | 9/13     | <b>Problem 9</b><br>(137-150)    | A. 1,2,3<br>B. 2,3,4,5.b<br>C. 1,2.a,c,d,3.a,b,4.a,5,6<br>D. 1.a,b,2.a,b | REPRESENTING MULTIPLE<br>PARTIES DEALING WITH<br>EACH OTHER              | 9. Conflicts Handout #1; Overview; HYPO: Covenant<br>Marriage; Handouts: Conflict Letters; Cal. Ethics Op.<br>2004-165  |

<sup>&</sup>lt;sup>6</sup> There are three separate topics in thus problem: The ethical duty of confidentiality, the attorney-client privilege, and the work product doctrine. The additional material 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  |  |
|------|-----------|---|--|---|---|--|
|      | 9/20-9/22 | PREPARE PROBLEMS 10-15 FOR CLASS ON 9/20                        |  |   |   |  |
|      |           | <b>Problem 10</b> (151-174)                                     | A. 1,2,3,4.a,b,5.a,b,6.<br>B. 1,2,3.a-c<br>C. 1,2,3.d,e<br>D. 1,2.b,c,4<br><b>AND</b><br>PUBLICATION<br>RIGHTS(188)      | THE DUTY OF LOYALTY   | 10. <u>Sheppard, Mullin, Richter &amp; Hampton v. J-M</u><br><u>Manufacturing</u> (2018) 6 Cal. 5 <sup>th</sup> 59; <u>Oasis Est v. Goldman</u><br>(2018) 51 Cal. 4 <sup>th</sup> 811; <u>M'Guinnes v. Johnson</u> (2015) 243<br>Cal. App 4 <sup>th</sup> 602; <u>Edwards Wildman Palmer v. Super</u><br><u>Ct.</u> (2014) 231 Cal. App. 4 <sup>th</sup> 1214; Cal. Ethics Op. 1997-<br>150{A.4.b}; Cal. Ethics Op. 2004-165  |  |
|      |           | <b>Problem 12</b><br>(175-188)                                  | A. 1.a,b,2,3.<br>B. 1,3.a,b<br>C. 1.a,b,d,2,3.b<br>D. 2,3<br><b>AND</b><br>3 <sup>rd</sup> . PARTY PAYOR (189-<br>190)   | CONFLICTS BETWEEN THE<br>CLIENTS INTERESTS AND<br>THE LAWYERS PERSONAL<br>INTERESTS | 11. <u>Matter of Bradley</u> (2015) Case No. 05-O03819<br><u>Disciplinary Counsel v. Detweiler</u> (Ohio 2013) 989<br>N.E.2d 41   |  |
| 6    |           | <b>Problem 14</b><br>(191-204)<br><b>Problem 28</b><br>(369-399 | A. 1, 2.a-c<br>B. 1,2.a,b,e,3,4.a,b<br>C. 1,2.a,b,3<br>D. 1,b<br><b>AND</b><br>Prob. 28(D.1-4)<br>[LAWYER AS<br>WITNESS] | THE LAWYER AND HER<br>FORMER CLIENT;<br>GOVERNMENT LAWYERS <sup>7</sup>             | 12. Conflicts Handout #2: Mitigating Lawyer; HYPO: The Law<br>Clerk; <u>Oasis West v. Goldman</u> (2011) 51 Cal. 4 <sup>th</sup> 811; <u>City &amp;</u><br><u>County of San Francisco v. Cobra</u> (2006) 39 Cal. 4 <sup>th</sup> 839; <u>People</u><br><u>v. Speedee Oil</u> (1999) 20 Cal. 4 <sup>th</sup> 1135; <u>Fluidmaster, Inc. v.</u><br><u>Fireman's Fund Ins. Co.</u> (2018) 25 Cal. App. 5 <sup>th</sup> 545; <u>Costello v.</u><br><u>Buckley</u> (2016) 245 Cal. App. 4 <sup>th</sup> 748; <u>Kirk v. First American</u><br><u>title</u> (2010) 183 Cal.4 <sup>th</sup> 776; <u>Ochoa v. Fordel</u> (2007) 146 Cal.<br>App. 4 <sup>th</sup> 898; <u>Pound v. DeMera DeMera Cameron</u> (2005) 135<br>Cal. App. 4 <sup>th</sup> 70; <u>City of Santa Barbara v. Super Ct.</u> (2004) 122<br>Cal. App. 4 <sup>th</sup> 17; <u>Adams v. Aerojet</u> (2001) 86 Cal. App 4 <sup>th</sup> 1324;<br>Cal. Ethics Op. 1997-150; Cal. Ethics Op. 2003-161 |  |
|      |           | <b>Problem 15</b><br>(205-222)                                  | A. 1,2,3.a-c, 4.a,c<br>B. 1,2.b,c,3.b,4,5,6<br>C. 1.b,2.b,3<br>D. 1,2,3  | IMPUTED<br>DISQUALIFICATION   | 13. Same as problem 14; refer to Cal. Ethics Op. 1997-<br>150 in relation to A.4; See also <u>Kirk v. First American</u><br><u>Title, Supra</u> .   |  |

 <sup>&</sup>lt;sup>7</sup> Case text can be obtained here: http//www.statebarcourt.ca.gov/Portals/2/2documents/opinions.Bradley.pdf
<u>NOTE:</u> Although I have not assigned **problem 16**, my lectures will cover government lawyer conflicts, **for which you are responsible**

| WEEK | DATES                      | ASSIGNMENT                                | FOCUS ON<br>QUESTIONS   | TOPIC  | SUPPLEMENTAL READING   |  |  |  |
|------|----------------------------|---|---|--|--|--|--|--|
| 7    | 9/27-929                   | Same as<br>9/20-22                        | Same as 9/20-22   | CONT. DISCUSSION OF<br>CONFLICTS<br>SUMMARIZE& FINISH<br>CONFLICTS OF INTEREST |  |  |  |  |
|      | V. <u>ADVISING CLIENTS</u> |   |   |  |  |  |  |  |
| 8    | 10/4-10/6                  | <b>Problem 17</b><br>(240-253)            | A. 1,2,3<br>B. 1.a,b,3.a,4.a<br>C. 1,2.b, 3.a,4.a<br>D. 1,2.a,3 | THE LAWYER FOR AN<br>INDIVIDUAL CLIENT   | 14. <u>Supplement</u> -Instructions for Preparing for Problem 17   |  |  |  |
|      |                            | <b>Problem 18</b> (253-264)               | A. 1.a,2.a,b,3.a,4<br>B. 2,3,4<br>C. 1,2.b-d,3.a,3<br>D.3       | ADVISING THE BUSINESS<br>CORPORATION   | 15. <u>United States v. Ruehle</u> (9th Cir. 2009) 583 F. 3d 600;<br><u>Paravue Corporation v. Heller Ehrman LLP</u> (9 <sup>th</sup> Cir.2018)<br>722 Fed Appx. 671                                     |  |  |  |
| 9    | 10/11-10/13                | <b>Problem 19</b> (265-277)               | A. 1,2.a-c,3.b,c,4,5<br>B. 1.b,d,2,3.a<br>C.1.a,2,3.b,c         | COMMUNICATIONS WITH<br>REPREENTED AND<br>UNREPRSENTED PERSONS                  | 16. <u>McMillian V. Shadow Ridge</u> (2008) 165 Cal. App. 4 <sup>th</sup><br>960   |  |  |  |
| 10   | 10/18                      | MIDTERM REVIEW                            |   |  |  |  |  |  |
|      | 10/20                      | MIDTERM                                   |   |  |  |  |  |  |
|      |                            | VI. <u>ETHICAL PROBLEMS IN LITIGATION</u> |   |  |  |  |  |  |
|      |                            | <b>Problem 23</b> (310-324)               | A.1.b,2.b,3,4<br>B. 1.a,c,2,3.b,c<br>C.1,2<br>D. 1,2.a,3.a-c    | THE DECISION TO FILE A<br>CIVIL SUIT   |  |  |  |  |
| 11   | 10/25-10/26                | <b>Problem 24</b> (325-338)               | A. 1,2,3.a,b,4<br>B. 1.c,2<br>C. 1,2,3                          | LITIGATION TACTICS &<br>CIVILITY   | 17. <u>McDermott Will v. Super Ct.</u> (2017) 10 Cal. App. 5 <sup>th</sup><br>1083; <u>Crawford v. JP Morgan Chase Bank, N.A.</u> (2015)<br>242 Cal. App. 4 <sup>th</sup> 1265; Cal. Ethics Op. 2013-188 |  |  |  |
|      |                            |   |   |  |  |  |  |  |

| WEEK        | DATES       | ASSIGNMENT   | FOCUS ON<br>QUESTIONS   | WEEK   | DATES   |
|-------------|-------------|--|---|--|---|
| 11<br>CONT. | 10/25-10/26 | Problem 25<br>(301-312)<br>Problem 20<br>(286-287) | A. 1.,2.a<br>B. 1,2,3.b,4.b<br>C.1,2<br>D. 1,2.b,c<br>Bradly V Maryland (Prob.<br>20, C.3 (CB 286-287) &<br>Prob. 29, D1 (CB 411-413) | DISCLOSURE OF LAW OR<br>FACTS FAVORABLE TO THE<br>OTHER SIDE |   |
|             |             | <b>Problem 26</b><br>(351-355)                     | A. 1,2,3  | HANDLING PHYSICAL<br>EVODENCE                                | 18. <u>Issue</u> : Confidentiality of clients identity  |
| 12          | 11/1-11/3   | <b>Problem 27</b><br>(367-368)                     | ALL QUESTIONS   | THE CLIENT WHO INTENDS TO<br>COMMIT PERJURY                  |   |
|             |             | <b>Problem 29</b><br>(400-414)                     | A.1,2,3.a,c,4,5,6<br>B. 1.b,2,3.a<br>C.1.a,2.a<br>D.1,2,3   | THE CRUSADING<br>PROSECUTOR                                  |   |
| _           |             | VII. <u>THE DELIVERY OF LEGAL SERVICES</u>         |   |  |   |
|             |             | <b>Problem 31</b><br>(417-444)                     | ALL QUESTIONS   | MARKETING PROFESSIONAL<br>SERVICES                           | 19. HYP: Internet Advertising, <u>Hassel v. Bird</u> , <i>Supra;</i> Cal.<br>Ethics Op. 2001-155; Cal. Ethics Op. 2004-166; Cal.<br>Ethics Op. 2012-186; Cal. Ethics Op. 2016-196 |
| 13          | 11/8-11/10  | <b>Problem 32</b> (466-477)                        | A. 1<br>B.1,2.a,b,3,4<br>C. 1,2,3.a,d,b.a<br>D. 1,2,3,4.a   | ETHICS OF REFERRAL TO A<br>SPECIALIST; FEE SPLITTING         | 20. HYPO: Fee Splitting; <u>Mink v. Maccabee (2004)121</u><br><u>Cal. App. 4<sup>th</sup> 835</u> ; Cal. Ethics Op. 2004-165  |
|             |             | <b>Problem 33</b> (456-466)                        | A. 1,2,3,4,5<br>B. 1,2.b-d,3  | ROLES AND RESPONSIBILITIES<br>IN A MODERN LAW FIRM           | 21. <u>Edwards Wildman Palmer v. Super Ct.</u> (2014) 231 Cal.<br>App. 4 <sup>th</sup> 835; Cal. Ethics Op. 2001-155  |

| WEEK | DATES       | ASSIGNMENT  | FOCUS ON<br>QUESTIONS   | WEEK                                       | DATES   |  |
|------|-------------|---|---|--|---|--|
| 14   | 11/15-11/17 | <b>Problem 34</b> (466-477)   | A. 1,2,3,4,5<br>B.1.b,2,3<br>SALE/PURCHASE of<br>LAW PRACTICE (477-<br>478) | LEAVING ON LAW FIRM AND<br>FORMING ANOTHER | 22. <u>Heller Ehrman LLP v. Davis Wright Tremaine</u><br><u>LLP</u> (2018) 4 Cal. 5 <sup>th</sup> 467; Cal. Ethics Op. 2014-190   |  |
|      |             | <b>Problem 35</b> (480-488)   | A. 1<br>B. 2<br>C. 1,2  | THE DUTY TO WORK FOR NO<br>COMPENSATION    |   |  |
| 15   | 11/22-11/24 | <b>Problem 37</b> (498-520)   | A.1,2,3,4,5,6,7<br>B. 1,2,3,4,5<br>C. 1,2.c,d,3<br>D. 1,3,4                 | THE FUTURE OF THEPRACTICE<br>OF LAW        | 23. California MJP Rules; Cal. Ethics Op. 2001-155; Cal.<br>Ethics Op. 2004-165; Cal. Ethics Op. 2004-166; Cal.<br>Ethics Op. 2012-184; Cal. Ethics Op. 2012-186; Cal.<br>Ethics Op. 2015-193 |  |
| 16   | 11/29       | FINAL REVIEW SESSION  |   |  |   |  |
| 17   | TBD         | FINAL EXAM- PLEASE CONSULT OFFICIAL FINAL EXAM SCHEDULE FOR DATE, TIME AND LOCATION |   |  |   |  |