

**SYLLABUS**  
**PROFESSIONAL RESPONSIBILITY**  
**Fall 2025**

**Professor** Israel Moya  
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**About the Course**

**Credits:** 3 units  
**Class:** PR A - Monday and Thursday, 9:30-11:00 a.m.  
PR B - Monday and Thursday, 11:30-1:00 p.m.  
**Room:** TBD

**Course Description**

This course introduces the ethical responsibilities and professional duties of lawyers in the U.S. legal system. It centers on the American Bar Association's *Model Rules of Professional Conduct*, supplemented by relevant statutory, common law, and professional norms. Students will explore how lawyers navigate ethical dilemmas in practice and how these issues relate to broader questions of professional identity, client service, cultural competence, and the public good.

Although grounded in the Model Rules, this is not a prep course for the MPRE. Instead, students will engage in discussion-based analysis of real-world problems and legal ethics jurisprudence to build skills in ethical reasoning, client awareness, and professional collaboration.

**Course Goals**

By the end of this course, students will:

1. **Enhance ethical sensitivity** – Develop the ability to recognize ethical issues and dilemmas that may arise in legal practice.
2. **Strengthen ethical problem-solving** – Learn to apply legal, strategic, and moral reasoning to resolve ethical issues.
3. **Cultivate professional collaboration** – Build teamwork, communication, and reflective listening skills in group settings.
4. **Develop sound professional instincts** – Clarify and deepen one's own professional conscience and ethical identity as a lawyer.

**Course Learning Outcomes**

By the end of the course, students will understand the core rules and doctrines governing the legal profession, including the Model Rules of Professional Conduct, malpractice liability, and regulatory frameworks. They will be able to apply these rules to real-world scenarios, using both doctrinal knowledge and policy analysis to resolve ethical dilemmas. Students will strengthen their skills in legal research, oral and written communication, and group collaboration while developing the judgment necessary to advise clients, manage professional risks, and navigate competing responsibilities to clients, courts, and society.

Through class discussions and group work, students will enhance their sensitivity to ethical issues and learn to evaluate them in light of legal, strategic, and moral considerations. They will also reflect on their own emerging professional identities, with attention to cultural competence, client-centered advocacy, and the lawyer's broader role in promoting justice and integrity within the legal system.

### **Required Textbooks/Course Materials**

Lisa G. Lerman, Philip G. Schrag & Robert Robinson, *Ethical Problems in the Practice of Law* (6th ed., 2023) (hereinafter "Lerman") (ISBN: 978-1-5438-4621-8).

### **American Bar Association Model Rules of Professional Conduct ("Model Rules").**

You must be able to easily access the Model Rules (including the comments that accompany each rule). You may want to purchase it from the ABA or another retailer. I recommend you have a hard copy of the Rules because it is easier to refer to them in class. However, you may use the online version of the Model Rules, available on the [ABA website](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/).

### **Assessment and Grading**

- Class Participation and Group Collaboration – 15%
- Midterm Exam (Conflicts) – 25%
- Final Exam (Cumulative, including problem-based scenarios) – 60%

### **Schedule**

#### **August 11 – Monday – Introduction to the Course; The Legal Profession: Bar Admission**

**Readings:** Lerman, pages xxxi-xxxv; 1–35

**Rules and Comments:** Preamble and Scope; 8.1.

**Problem:** Problem 1-1: Adderall

#### **August 14 – Thursday – The Legal Profession (continued)**

**Readings:** Lerman, pages 35–61

Illinois State Bar Association Proposal 22-06 (on Blackboard)

**Problem:** Problem 1-2: The Doctored Resume

**August 18 – Monday – Regulation, Discipline, and Liability**

*Readings:* Lerman, pages 63–110

*Rules and Comments:* 1.2(d), 8.3, 8.4, 8.5

*Problems:* Problem 2-1: The Dying Mother; and Problem 2-2: Exculpatory Evidence

**August 21 – Thursday – Reporting Misconduct; Lawyer Liability**

*Readings:* Lerman, pages 110–136

*Rules and Comments:* 5.1, 5.2, 5.3, 8.3

*Problems:* Problem 2-3: The Little Hearing; and the Wieder case

**August 25 – Monday – Forming the Lawyer-Client Relationship; Duties to Clients**

*Readings:* Lerman, pages 137–175

*Rules and Comments:* 1.1, 1.3, 1.4, 2.1

*Problems:* *Togstad v. Vesely, Otto, Miller & Keefe*; Problem 3-1: The Washing Machine; *Strickland v. Washington*; *Missouri v. Frye*; *Lafler v. Cooper*; and Problem 3-2: A Desire to Investigate

**August 28 – Thursday – Duties (continued); Terminating the Lawyer-Client Relationship**

*Readings:* Lerman, pages 175–213

ABA House of Delegates 2023 amendment to Rule 1.16 (on Blackboard)

*Rules and Comments:* 1.2, 1.14, and 1.16

*Problems:* Problem 3-3: Torture; *Jones v. Barnes*; Problem 3-4: Vinyl Windows

**September 1 – Monday – No class – Labor Day**

**September 4 – Thursday – Confidentiality and its Exceptions**

*Readings:* Lerman, pages 215–239 (do not read ahead)

Restatement (Third) of the Law Governing Lawyers, § 60(1)(a) (on Blackboard)

*Rule and Comments:* 1.6

*Problems:* Problem 4-1: Your Dinner with Anna; Problems 4-2: The Buried Bodies, Scenes 1

**September 8 – Monday – Exceptions to Confidentiality**

*Readings:* Lerman, page 239–256

*Rule and Comments:* 1.6

*Problems:* Problems 4-3 and 4-4: The Buried Bodies, Scenes 2 and 3; *People v. Belge*; *Spaulding v. Zimmerman*

**September 11 – Thursday – Exceptions to Confidentiality (continued)**

*Readings:* Lerman, page 257–277

*Rule and Comments:* 1.6

*Problems:* Problem 4-5: Rat Poison; Problem 4-6: Reese's Leases; Problem 4-7: An Investment Project

**September 15 – Monday – Attorney-Client Privilege and Work Product**

*Readings:* Lerman, pages 279–321

*Problems:* Problem 5-1: Murder for Hire; Problem 5-2: The Payoff; Problem 5-3: A Secret Confession; *Swidler & Berlin v. United States*; Problem 5-4: Worldwide Bribery

**September 18 – Thursday - Group Presentations**

**September 22 – Monday – Conflicts of Interest: Current Clients**

*Readings:* Lerman, pages 323–355

*Rule and Comments:* 1.7

*Problems:* Problem 6-1: The Injured Passengers, Scene 1; Problem 6-2: Food Poisoning; Problem 6-3: I Thought You Were My Lawyer

**September 25 – Thursday – Conflicts (continued)**

*Readings:* Lerman, pages 355–363

*Rules and Comments:* 1.7

*Problems:* Problem 6-4: The Injured Passengers, Scene 2; Problem 6-5: Top Gun

**September 29 – Monday – Conflicts: Former Clients and Prospective Clients**

*Readings:* Lerman, pages 365–417

*Rules and Comments:* 1.9, 1.10, 1.18

*Problems:* Problem 7-1: Keeping in Touch; Problem 7-2: A Better Client; Problem 7-3: The Bid Protest; Problem 7-4: A Brief Consultation; Problem 7-5: The Fatal Shot; Problem 7-6: The Secret Affair

**October 2 – Thursday – Conflicts: Practice Settings**

*Readings:* Lerman, pages 419–447

*Rules and Comments:* 1.7, 1.9, 1.10, 1.13, 1.8(f)

*Problems:* Problem 8-1: My Client's Subsidiary; Problem 8-2: "Don't Rock the Boat"; Problems 8-3, 8-4, and 8-5: Police Brutality, Scenes 1, 2 and 3

**October 6 – Monday – Conflicts: Practice Settings (continued)**

*Readings:* Lerman, pages 448–461

*Rules and Comments:* 1.7, 1.8(f) and (g), 1.9, 1.10

*Problems:* Florida Bar Opinion 95-4; Problems 8-6: Representing the McCarthys

**October 9 – Thursday – Conflicts of Interest: Lawyers and Clients**

*Readings:* Lerman, pages 463–538

Illinois Amendments to Rules 1.5 and 1.15 (on Blackboard)

*Rules and Comments:* 1.5, 1.8, 1.10, 1.15, 5.4

*Problems:* Matter of Fordham; Problem 9-1: An Unreasonable Fee; Problem 9-2: Rising Prices; Problem 9-3: An Impoverished Client

**October 13 – Monday – Conflicts: Government Lawyers and Judges**

*Readings:* Lerman, pages 539–586

*Rules and Comments:* 1.11, 1.12, 2.4, 7.6

*Problems:* Problem 10-1: The District Attorney; Problem 10-2: The Judge's Former Professor

**October 16 – Thursday - Mid-Term Examination**

**October 20 and October 23 – no class – Fall Break**

**October 27 – Monday – Lawyer's Duties to Courts**

*Readings:* Lerman, pages 587–613

*Rules and Comments:* 3.1, 3.3, 8.4(c)

*Problems:* Problem 11-1: Your Visit from Paula Jones; *Nix v. Whiteside*; Problems 11-2 and 11-3: Flight from Sudan, Scenes 1 and 2

**October 30 – Thursday – Duties to Courts (continued)**

**Readings:** Lerman, pages 613–636

**Rules and Comments:** 3.3, 3.4

**Problems:** Problem 11-4: The Drug Test; Problem 11-5: The Body Double; Problem 11-6: Child Pornography

**November 3 – Monday – Duties to Courts (continued)**

**Readings:** Lerman, pages 636–671

**Rules and Comments:** 3.3, 3.4, 3.5, 3.6, 3.7

**Problems:** Problem 11-7: The Damaging Documents; The Gentile case

**November 6 – Thursday – Lawyer’s Duties to Adversaries and Third Persons**

**Readings:** Lerman, pages 673–704

**Rules and Comments:** 4.1, 4.2, 4.3

**Problems:** Problem 12-1: Emergency Food Stamps; Beatles Club case; Problem 12-2: Insurance Claims; the Messing case; Problem 12-3: The Complaining Witness

**November 10 – Monday – Lawyers and Third Parties (continued)**

**Readings:** Lerman, pages 704–736

**Rules and Comments:** 3.8, 4.1, 4.2, 4.4, 8.4

**Problems:** Problem 12-4: The Break-In; Problem 12-5: The Prosecutor’s Masquerade; the Duke lacrosse case; Problem 12-6: A Letter of Commendation

**November 13 – Thursday – Changing Landscape of Practice**

**Readings:** Lerman, pages 737–791

**Rule and Comments:** 5.4, 5.5, 7.1, 7.2, 7.3

**Problem:** 13-1: Special Education; *Bates v. State of Arizona*; Problem 13-2: Traffic Crimes

**November 17 – Monday – Access to Justice: the Lawyer’s Role**

**Readings:** Lerman, pages 793–834

**Rules and Comments:** 6.1, 6.2

**Problems:** Problem 14-1: Restrictions on Legal Services; *Evans v. Jeff D.*; Problem 14-2: The Prisoner’s Dilemma; Problem 14-3: Mandatory Pro Bono Service; Problem 14-4: The Future of the Legal Profession

**November 20 – Thursday – Catch up and Review**

**November 24 – Monday – Catch up and Review**

**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.

**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 Library Building, Room 275-B. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto: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 Marisa Cianciarulo at [mcianciarulo@wsulaw.edu](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."