

SYLLABUS
PROFESSIONAL RESPONSIBILITY 240A & 240B
Fall 2026

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Office Hours: Monday and Wednesday, 12:15-1:15 p.m.; By appointment on Tuesday or Thursday; Flexible availability via Zoom upon request.

About the Course

Credits: 3 units

Class: PR A - Monday and Wednesday, 10:30-11:50 a.m.

PR B - Monday and Wednesday, 1:30-2:50 p.m.

Room: 123

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* (MRPC or Model Rules), 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.

Professionalism starts with students exercising professional courtesy within and beyond the classroom. This includes being attentive and ready to participate once class begins. Students who disrupt and converse with fellow students after the professor has called the class to order do so at risk of losing class participation credit. Additionally, professionalism extends to your conduct with fellow students, to your demeanor and respect toward your professors, and your treatment of all staff at the law school, regardless of their rank or position. While your behavior outside of the classroom and beyond the law school will not be scrutinized, you should understand that you represent Western State and as such should be mindful that your personal conduct may have reputational consequences.

Our class objective is to identify complex questions of professionalism and understand the various complex factors that often impact decision-making and ethical conduct. While "professionalism" is sometimes open to interpretation, the Model Rules lay out strict boundaries. We will explore the gray area of professionalism and will use the course as a laboratory to challenge assumptions, test our instincts, and propose solutions for how to uphold and improve the professional reputation of lawyers.

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. However,

students can expect MPRE-style multiple-choice questions throughout the course that will be of use as students prepare for the MPRE exam. Please note that the deadline to register for the November administration of MPRE is September 17, 2026, should you choose to test during the semester.

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).

Morgan's Model Rules of Professional Conduct and Other Selected Standards Including California and New York Rules on Professional Responsibility (2026 ed.) (ISBN: 9798895453896)

Assessment and Grading

- Class Participation, Demonstrated Professional, and Group Collaboration – 15%
- Midterm Exam (Conflicts) – 25%
- Final Exam (Cumulative, including problem-based scenarios) – 60%
- You will be expected to do approximately 3 hours of preparation for each class session.

Schedule

August 17 – 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 19 – Wednesday – The Legal Profession (continued)

Readings: Lerman, pages 35–61

Problem: Problem 1-2: The Doctored Resume

August 24 – 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 26 – Wednesday – 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 31 – 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

September 2 – Wednesday – Duties (continued); Terminating the Lawyer-Client Relationship

Readings: Lerman, pages 175–213

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

Rules and Comments: 1.2, 1.14, and 1.16

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

September 7 – Monday – No class – Labor Day

September 9 – Wednesday – Confidentiality and its Exceptions

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

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

Rule and Comments: 1.6

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

Scenes 1

September 14 – 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 16 – Wednesday – 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 21 – 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 23 – Wednesday – 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 28 – Monday – Remote Class: Practice Quiz & Review Video

September 30 – Wednesday – 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

October 5 – 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 7 – Wednesday – 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 12 – 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 14 – Wednesday – Conflicts of Interest: Lawyers and Clients

Readings: Lerman, pages 463–538

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 19 – 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 21 – Wednesday - Mid-Term Examination

October 26 – 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 28 – Wednesday – 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 2 – 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 4 – Wednesday – 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 9 – 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 10 – Tuesday (Legislative Day) – 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 11 – Wednesday – Veterans Day (No Classes)

November 16 – 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 18 – Wednesday – Course Wrap-up + Review

November 23 – Monday – Remote Class: 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:

- **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.

- **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.

- **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.

- **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.

- **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).

- **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.

- **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.

- **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 Room 276. 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 Halim Dhanidina at hdhanidina@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."