

WESTERN STATE UNIVERSITY COLLEGE OF LAW

COURSE SYLLABUS

Course Title: Professional Responsibility 240B

Semester: Summer 2025

Professor: R. Izquieta

Contact: rizquieta@ivc.edu | 714-914-3626

Class Time: Monday & Wednesday, 6:40 PM – 9:30 PM

REQUIRED TEXTS

- Professional Responsibility: Problems and Materials, Abridged 14th Edition by Morgan, Rotunda & Dzienkowski (Foundation Press, 2022) — 'Casebook'

- Selected Standards on Professional Responsibility, 2017 Edition by Morgan & Rotunda (Foundation Press) — 'Selected Standards'

Students must read all assigned rules or statutes from the Selected Standards that correspond to Casebook materials.

COURSE OBJECTIVES

- Understand substantive rules and standards of legal ethics, from minimal standards to aspirational conduct.
- Apply ethics to real-world scenarios through discussion of complex factual situations.
- Prepare for the MPRE and California Bar Exam (though this is not a bar prep course).

Ethical rules are often nuanced and fact specific. We will analyze hypothetical scenarios, review governing rules, and explore the policy rationale behind them. Reading and class participation are critical.

TEACHING METHODS

- Case Method: Briefing assigned case law
- Statute Method: Reading assigned statutes and examples
- Problem Method: Solving assigned Casebook problems
- Application: Applying fact patterns to specific rules during class

EXPECTATIONS

- Prepare readings and questions in advance
- Brief assigned cases and bring written outlines
- Be ready to discuss and analyze ethical issues in class
- Students may not recite from commercial outlines, briefs, or other commercial study aids.

CLASS PARTICIPATION

- Class Preparation and Participation: Legal education is a cooperative venture, and this is especially critical in a small class such as ours. Therefore, each of you should be prepared to participate in class on a regular basis. If you are unprepared, you will be deemed “absent” for that class session. Students are expected to prepare and participate for class as follows:
 - Students are expected to complete the required reading and case questions/review problems.
 - Students are expected to brief any required cases in the assigned reading.
 - Students are expected to have brief written outlines for the case questions/review problems.
 - Students are expected to orally brief the cases in the assigned reading when called upon.
 - Students are expected to provide in-depth analysis of case questions/review problems within the week’s assigned reading, including statutes.
 - Students are expected to participate in all class discussions.

CLASS ATTENDANCE

- Students must attend class.
- Students must adhere to the absence policies of Western State College of Law.
- A seating assignment will be created on the first day of class.
- Students must be in their assigned seat before the start of class.
- Attendance will be taken every class.
- Students must sign in.

CLASS PREPARATION TIME

Pursuant to ABA Standard 310, you are expected to devote a minimum of two (2) hours of out-of-class time preparing for each hour of classroom instruction. The assigned readings and case book problems each week have been calibrated for you to achieve this minimum requirement.

This class meets for 3 hours per week, you will be expected to read and prepare outside of class for a minimum of 6 hours in the week leading to each class. Note: Class coverage of reading assignments is fluid. We may not always cover all the assigned material during the scheduled class periods. However, it's your responsibility to make sure you are prepared for each class. In addition, I may distribute additional reading and other materials for additional review and class discussion.

ABSENCES

- If students incur more than 2 (two) absences, you will be withdrawn from the course and receive a failing grade, which is in accordance with the policies of Western State College of Law.
- Unpreparedness will be marked as an absence for the class.
- Late to class will be marked as an absence and must not sign in.
- If you depart early, you will be marked as absent.
- Note: Pursuant to WSCL's attendance policy, students cannot make up an absence by attending another professor's class.

ELECTRONIC DEVICES POLICY

- Laptops: Note-taking only; internet use strictly prohibited.
- Cell Phones: Must be silenced. Inform professor in case of emergency use.
- Recording: Prohibited without prior written permission.
- Commercial Materials: Use in class is prohibited.

GRADING

- Final Exam (70%) — Essay format, open book/notes. Emphasis on case law, statutes, and policy analysis.
- Class Participation (30%) — Active contribution, analysis, professionalism, and communication skills.

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 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 the Library Building, Room 275-B. 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 Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

COURSE SCHEDULE OVERVIEW

Week 1 - June 9 & 11: Introduction & Regulation of the Legal Profession (CB pp. 1-63)

Week 2 - June 16 & 18: Lawyer-Client Relationship, Billing & Client Property (CB pp. 65-113)

Week 3 - June 23 & 25: Confidentiality & Conflicts of Interest (CB pp. 113-150)

Week 4-7: Conflicts, Advising Clients, Litigation Ethics, Marketing, Public Service, Future Practice

July 23: Review Session

TBD: Final Exam

COURSE SCHEDULE

Summer 2025 – Professor R. Izquieta

Week	Date	Topic	Assignment (Casebook)	Supplemental Reading
1	June 9th	Introduction: Background & Fundamental Issues. Admission to the Bar	pp. 1–32	N/A
1	June 11th	Discipline Regulation	Problems 1–3 (pp. 33–63)	In re Glass, Matter of Elkins; As assigned
2	June 16th	Lawyer-Client Relationship (Representation; Billing)	Problems 4–5 (pp. 65–97)	Cal. Ethics Op. 2003- 161; As assigned.
2	June 18th	Handling Client Money/Property and Withdrawing. Duty of Confidentiality	Problems 6–7 (pp. 98–136)	Cal. Ethics Op. 2015- 192; The Party Attorney; <u>Lynn v. George</u> As assigned.
3	June 23rd	Representing Multiple Clients Duty of Loyalty Conflicts of Interest	Problems 9-12 (pp. 137–188)	Conflicts Handout #1, Cal. Ethics Op. 2004- 165. Sheppard Mullin v. J-M Mfg. As assigned.
3	June 25th	Former Clients Govt. Lawyers Inputted Disqualifications	Problems 14-15; 28(pp. 191–204; 396-399)	As assigned.
4	June 30th	Lawyer for Individual Client Advising Business Corp	Problems 17–18 (pp. 240–264)	United States v. Ruehle, etc. As assigned.
4	July 2nd	Communication with represented and unrepresented individuals Decision to File Civil Lawsuit	Problems 19 and 23 (pp. 310–324)	McMillan v. Shadow Ridge. As assigned.

COURSE SCHEDULE

Summer 2025 – Professor R. Izquieta

Week	Date	Topic	Assignment (Casebook)	Supplemental Reading
5	July 7th	Litigation Tactics and Civility Disclosure of Law and Facts	Problems 20, 24, 25 (pp. 325–338; 301-312 286-287)	McDermott Will v. Sup. Ct., Crawford v. JP Morgan Chase Bank etc. As assigned.
5	July 9th	Handling Physical Evidence Client who intends to Commit Perjury	Problems 26–27 (pp. 351–355; 367-388)	Issue: Confidentiality of client's identity
6	July 14th	Crusading Prosecutor Marketing Personal Services	Problems 29 and 31 (pp. 400–414; 417-444)	Internet Advertising; Hassel v. Bird, <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
6	July 16th	Ethics of Referrals Roles and Responsibilities of the Modern Law Firm	Problems 29, 31, 32, 33 (pp. 445–455; 456-466)	Fee Splitting; Mink v. Maccabee (2004) 121 Cal. App. 4th 835; Cal. Ethics Op. 2004-165
7	July 21 st	Leaving One Law Firm to Another Duty to Work for No Compensation	Problems 34, 35 (pp. 466-477p 480–488)	Heller Ehrman LLP v. Davis Wrio-ht Tremaine LLP. As assigned.
7	July 23 rd	Future of the Practice of Law Review	Problem 37 (pp. 498–520)	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