

# PROFESSIONAL RESPONSIBILITY

Fall 2017

Professor Kelley Mauerman  
[kmauerman@wsulaw.edu](mailto:kmauerman@wsulaw.edu)  
Office # 121 H

Office Hours: Tuesday 5:15-6:15pm

## **MATERIALS:**

The required textbook for this course is California Legal Ethics, by Wydick, Perschbacher, and Bassett (9th ed., West Academic, 2015) (hereinafter referred to as “Casebook”).

In addition to the required text, you must have a statutory supplement that includes the California Rules of Professional Responsibility. I recommend the current version of Professional Responsibility: Standards, Rules & Statutes, abridged edition, by John Dzienkowski (Thomson West) (hereinafter referred to as “Standards”).

You may also receive supplemental handouts periodically throughout the course.

## **READING ASSIGNMENTS:**

Reading assignments will generally follow the schedule as set out in this syllabus, although I may adjust an assignment at the end of a class meeting for the next class. Students are expected to read each assignment and be prepared to participate in class discussions of the problems as set out at the beginning of each chapter of the Casebook.

At the beginning of each chapter of the Casebook is a section entitled “Reading Assignment” which includes reading for the Standards. Students should read these selections.

## **OUTSIDE PREPARATION TIME:**

It is estimated that, on average, the assigned reading and other classroom preparation should require six or more hours outside of class.

## **ATTENDANCE:**

Attendance at all classes is mandatory. Any student who misses more than one class will be referred to the Assistant Dean for Student Affairs and may be disqualified from the course.

### **PROFESSIONALISM:**

Because professionalism is a major theme in this course, it is expected that all students will adhere to the principles of ethics and civility that underlie the legal profession. Students are required to conduct themselves with maturity and self-discipline and exhibit respect for their classmates. I will not tolerate unprofessional or obstructionist behavior displayed during any class session. Unprofessional or obstructionist behavior includes, but is not limited to, the following types of conduct: 1) a continual failure to be prepared for class; 2) excessive lateness to class; 3) the unexcused leaving of class prior to the end of any class session; and 4) disrespectful behavior directed toward other participants in the class.

### **EXAMINATION:**

The final examination will be closed book and will include both multiple choice and essay questions. The final examination will comprise 100% of your course grade.

### **STUDENT LEARNING OUTCOMES FOR THIS COURSE:**

It is my goal that at the end of this course, students will have achieved the following learning outcomes:

1. Students will demonstrate an understanding of the law governing lawyers, including ethical, legal and professional issues.
2. When presented with a dilemma drawn from case-based or hypothetical facts, students will articulate the relevant and applicable ethical standards, apply those ethical standards, and propose one or more resolutions that result in an ethical outcome.
3. Students will conduct themselves in a professional manner.

### **ARGOSY UNIVERSITY INSTITUTIONAL LEARNING OUTCOMES:**

#### 1. Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

#### 2. Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

### 3. Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

### 4. Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

### 5. Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

### 6. Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.

## **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.

### **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 119. 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 Allen Easley at [aeasley@wsulaw.edu](mailto:aeasley@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

## **READING ASSIGNMENTS:**

### August 22

Topic: Chapter 2: Sources and Application of Legal Ethics Rules

Reading Assignment: Pages 29-77

### August 29

Topic: Chapter 3: Beginning and Ending the Lawyer-Client Relationship

Reading Assignment: Pages 83-112

### September 5

Topic: Chapter 4: Advertising and Solicitation

Reading Assignment: Pages 117-144

### September 12

Topic: Chapter 5: Attorney Fees and Fiduciary Duty

Reading Assignment: Pages 149-178

### September 19

Topic: Chapter 6: Competence, Diligence, and Unauthorized Practice

Reading Assignment: Pages 183-203

### September 26

Topic: Chapter 7: Confidential Information

Reading Assignment: Pages 209-228

October 3

Topic: Chapter 8: Candor in Litigation

Reading Assignment: Pages 233-261

October 10

Topic: Chapter 9: Fairness in Litigation

Reading Assignment: Pages 267-289

October 17

Topic: Chapter 10: Bias in (and out of) the Courtroom

Reading Assignment: Pages 293-316

October 24

Topic: Chapter 11: Conflicts of Interest – Lawyers, Clients, and Third Parties

Reading Assignment: Pages 319-343

October 31

Topic: Chapter 12: Conflicts of Interest – Conflicts Between Two Clients

Reading Assignment: Pages 349-384

November 7

Topic: Chapter 13: Lawyers in Law Firms and Specialized Practice Areas

Reading Assignment: Pages 389-412

November 14

Topic: Chapter 14: Judicial Conduct / Final Review

Reading Assignment: Pages 415-445