

Sandra Day O'Connor College of Law
Professional Responsibility Course
Course # 14338; LAW 638; Section 1001
FallSemester —2015
Prof. Gary L. Stuart

Syllabus—FallSemester—2015

There are two ways to teach “Professional Responsibility.” One is by teaching the rules and standards lawyers live by every day. The other is to teach the theory of ethical practice. This course will be grounded in the Arizona Rules of Professional Conduct as written by the Arizona Supreme Court. If theory helps explain a rule or standard, we will cover it in class. But this is a rules-driven course. If you learn the rules and understand how they are applied in the practice of law, you will pass the bar exam and become an ethical practitioner. That is the goal of this course. In addition, we will, in some classes, take wider view of the intersection between legal ethics and successful law practice. Rules and practice standards are pathways to understanding the complex calculus we call “professional responsibility.” The narrow view is an assessment of the “do nots” of the legal world. The wider view is central to the *practice* of law. It is not just an incidental adjunct to the law school curriculum, nor is it merely a way for lawyers to stay out of trouble. We will read rules and study written standards as benchmarks. Case law in disciplinary and malpractice cases will advance the discussion. By the end of the semester, we hope to engage each student on the most important question of our professional lives. What can ethics contribute to a lawyer’s professional life that is of enduring worth?

There are differences between the ABA’s Model Rules and the Arizona Rules of Professional Responsibility. The final exam will be based on the Arizona Rules with special emphasis on important variances from the ABA’s Model Rules. Use of these rules in actual law practice will drive most of the class discussion. Because a significant part of our law practice involves ethics consulting, legal malpractice litigation, and disciplinary representation, we hope to help each student acquire a basic understanding of the intersection between ethical rules and standards of law practice. The class will work best if we discuss ethical challenges and solutions, rather than the “sage on the stage” format. Class participation in discussing real ethical problems will add a practical dimension to the class.

Class Meetings:

We will meet on Thursdays from 5:00 pm 8:00 pm for 13 weeks, starting August 20 and ending November 19, 2015. We will not have class on Thursday, October 8 because most of us will be on Fall Break.

Assigned Text:

The assigned text is: *Regulation of Lawyers, Statutes & Standards 2014*, by Stephen Gillers, Roy D. Simon, and Andrew M Perlman. Buy a copy, mark it up in the margins. Keep it for life. However, you are not required to read it; it is a reference work, which you might find useful

in practice. The essential “book” for this class is the *Arizona Rules of Professional Responsibility*. All of the ER’s are in pdf format on the state bar’s website (www.azbar.org). They are also available in print form (Arizona Revised Statutes), in a digital format on Lexis-Nexis, Westlaw, and the class Blackboard site.

In class, we will discuss the Arizona ethical rules, some of the case law, and a few of the official Arizona State Bar Ethics Committee’s opinions. We will note in class those instances where the Arizona ERs differ from the ABA Model Rules. Cases and ethical opinions of interest will be part of the pre-class reading assignments. By September 10, 2015 (Class #2) each student will be expected to have read all of the Arizona Ethical Rules, but not all of the comments, cases, or ethical opinions. The most recent version of each rule will be on Blackboard prior to the first class. Then, as ERs come up on the Lesson Plan, each student will be expected to have read the Comments to the rules and selected cases, or applicable opinions.

Class Discussions, Reading Assignments and Participation: For a few selected classes, we will use PowerPoint presentations to facilitate discussion. All pre-class reading assignments, cases, and opinions will be posted on the Blackboard site, at least by the week prior to class. We will routinely call on students to discuss cases, rules, and opinions, but we’ll all learn more if students volunteer. If you haven’t read the assigned material, just let us know before class and we won’t call on you. Participation points may be factored into your final grade.

Attendance: under SDOCCOL policy, each student is entitled to one unexcused absence. If you want an excused absence, please tell us beforehand, by phone, in person, text, or e-mail. Asking for permission is much appreciated and freely given.

Final Examination: The examination will be open book. You will have three hours to complete it. The test will be true/false and multiple-choice questions. Students may bring to the exam: (1) Regulation of Lawyers, Statutes and Standards 2014 by Gillers, Simon & Perlman; (2) a copy of the Arizona Rules of Professional Conduct; (3) notes you took during class; (4) cases or ethics opinions we discussed in class; (5) any materials posted on Blackboard; and (6) outlines, or other study materials created by you *in this current class*.

Final Grade: The final grade will be based on the final examination, with class participation points (+2 to -2 or approximately 10%) awarded.

My Contacts: We do not have offices at the law school, but both of us will be available on most class days to meet in person. Both of us will be available by phone or email during the work-week. Our contacts are:

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