

PROFESSIONAL RESPONSIBILITY

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Office #447
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In this course, we will examine the dilemmas that confront lawyers in their practice as well as the standards and guidelines available to help resolve those issues. Our focus will be on the ABA Model Rules of Professional Conduct (“the Rules”). We will discuss the Oregon Rules of Professional Responsibility and the Code of Judicial Conduct where applicable.

The Rules follow a Restatement-like approach by placing the rule of professional responsibility in text. The Rules are rules of reason. Some of the Rules are imperatives, cast in the terms “shall” or “shall not.” These define proper conduct for purposes of professional discipline. Others, generally cast in the term “may,” are permissive and define areas in which the lawyer has professional discretion. Other Rules define the nature of relationships between the lawyer and others. The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define a lawyer’s professional role.

No audio, visual or any other type of recording a Professional Responsibility class is allowed without my prior written consent. Such unauthorized recording may constitute a violation of the WUCL Honor Code.

OFFICE HOURS: In order to maximize your convenience, I am available to meet with you during the day as well as evenings and weekends. If you wish to meet with me, please email me at ytamayo@willamette.edu, provide three available meeting times, and I will quickly arrange for a meeting.

Required Course Materials

- SCHWARTZ, WYDICK, PERSCHBACHER, Problems in Legal Ethics (12th ed. West)
- DZIENKOWSKI, Professional Responsibility Standards, Rules & Statutes (2020-2021 West. To be published August 24th, available shortly thereafter.
- Various Supplemental Materials (posted to WISE)

CALI Exercises—It is mandatory that you complete, prior to the last day of class, the following CALI Exercises on Professional Responsibility:

Model Rules of Professional Conduct I—Preliminary Drill
Model Rules of Professional Conduct II—Questions and Problems

You may complete the CALI Program on www.cali.org. All the CALI programs are loaded onto WUCL’s computer labs without requiring a code. If you use the website on your

laptop, you must register and use the authorization code **WILMETstu241**.

Accessing Zoom Classes:

Important- access the Zoom sessions through WISE and use your Willamette account rather than your personal account.

Attendance and Participation Expectations for Remote Courses:

Class Attendance: This class meets two times per week. We will cover a substantial amount of material each class; therefore your attendance is important. Attendance will be taken and reported to OSA for each class.

Class Presence and Participation:

- It is essential that you come to class fully prepared to participate in meaningful discussion. If you are called on and unprepared three times, the third time will result in your final grade being adjusted downward by one-half grade.
- Class attendance requires both video and audio participation. **If you fail to turn on the video aspect of zoom you will be marked absent for the class.** Technology problems are foreseeable. Please test your technology regularly and before each class and contact WITS if you are experiencing issues.

Work Expectation and ABA 310 Standards:

In order to receive credit for this course, the ABA requires that you conduct minimum 2 hours of out-of-class work for every hour of class.

Expectations for ZOOM sessions:

- Please treat remote learning as if you were physically in the classroom.
 - Find a quiet place away from distractions including children, other electronic devices and pets.
 - Show up on time, prepared, and commit to being present the entire class time.
 - Please dress as you would for an in-class meeting.
 - Please do not eat during class time.
 - In order to avoid any unnecessary interruptions, ensure those in your household know when you are in class.
 - Chat box should not be used during class. If you have a question please use the “hand raising” feature.
 - I will do my best to answer your questions during class. If we run out of time, please e-mail me your question and I will attempt to response shortly thereafter.
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Learning Outcomes- In this course, you will learn the legal principles that regulate the admission, practice and discipline of lawyers. Specifically, you will learn to spot, address and resolve ethics issues arising in legal practice. You will also obtain a substantial understanding of the ABA Model Rules of Professional Conduct, applicable case law, and various other relevant resources. Upon completion of this course, you will know the duties, responsibilities and obligations of practicing attorneys, and will have developed approaches to avoid ethics problems, disciplinary complaints, and legal malpractice claims.

Syllabus

Page v of Schwartz explains the organizational scheme of the text, and give instructions on how to use the text. At the beginning of each chapter, you will see a Reading Assignment and Supplemental Reading. The material listed in the Reading Assignment and the ABA Model Rules provisions under the Supplemental Reading are required reading for this class.

In class, I expect you to be prepared to discuss the cases, Discussion Problems, and Multiple Choice questions contained in each chapter, as well as the Model Rules of Professional Conduct applicable thereto.

- Week #1-** *Prof. Resp. Standards, Rules & Statutes: Preamble and Scope of ABA Model Rules; Text Chapter 2: In Re DeBartolo, In re Glass; Or. Stat. 9.220 (WISE); Jaffee, Monaco, Nash (WISE).*
- Week #2-** *Chapter 3: Bothwell, Holmes; ABA Rules 1.16, 1.18, 3.1, and 6.1 through 6.2, Oregon Aspirational Standard for Pro Bono (WISE).*
- Week #3-** *Chapter 4, Bates, Fla. Bar; ABA Rules 7.1 through 7.6, 8.4(a), Statement of Professionalism (WISE).*
- Week #4-** *Chapter 5, Wheeler, Casper, ABA Rules 1.5, 1.8(e), and 1.15, ORS 9.460 (WISE).*
- Week #5-** *Chapter 6: ABA Rules 1.1 through 1.4, 1.8(h), 1.18, 5.3-5.5, ORS 9.527 (WISE).*
- Week #6-** *Chapter 7: Washington, Meredith, ABA Rules 1.6, 1.8(b), 1.9(b), 3.3, 3.4(a), and 4.1.*
- Week #7-** *Chapter 8: In Re Braun, ABA Rules 1.6, 3.3, 4.1, 8.4(c),(e), ABA Formal Opinion 493 on Rule 8.4(g) (WISE).*
- Week #8-** *Chapter 9: Gentile, Vincenti; ABA Rules 3.1-3.9, 4.4, 8.3(a).*
- Week #9-** *Chapter 10, Hammer; “Deconstruct and Superstruct”, Debra Basesett; ABA Rules 1.8(j), 3.4, 3.5, 4.4, and 8.4.*
- Week #10-** *Chapter 11: State v. White; ABA Rules 1.2, 1.7, 1.8, 1.10, 1.13, 1.14, 1.18, 2.1, 3.7, and 5.4(c).*
- Week #11-** *Chapter 12: Kirk, ABA Rules 1.7, 1.8(b)(g)(i), 1.9-1.12, 1.18, and 6.3.*
- Week #12-** *Chapter 13- Birbrower; ABA Rules 1.0(c) (definition of “firm”), 1.10, 1.17, 2.3, 2.4, 5.1 through 5.7.*

Week #13- Chapter 14- *Cheney v. U.S. District Court*; ABA Rules 1.12, 3.5, 8.3(b), and 8.4(f);
Hypotheticals Group Practice.