

PROFESSIONAL RESPONSIBILITY
298/001
Fall 2021

PROFESSOR RACHELLE H. PERKINS
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CLASS SCHEDULE: Wednesday, 1:50 pm to 3:50 pm

OFFICE HOURS: Tuesday, 2:30 to 3:30, via Zoom, or by appointment

REQUIRED MATERIALS: Please have both the Casebook and relevant Rules readily accessible during all classes, as they will be referred to frequently.

- ETHICAL PROBLEMS IN THE PRACTICE OF LAW by Lerman, Schrag & Rubinson (5th ed.) (the “Casebook”)
- ABA’s Model Rules of Professional Conduct (the “Rules”), which can be accessed free of charge *via* the ABA’s website:
https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/

COURSE OVERVIEW: This course is an examination of the professional and ethical rules that regulate the legal profession, focusing on the application of the ABA Model Rules of Professional Conduct. This course will allow students to gain a thorough understanding of many topics covered on the Multistate Professional Responsibility Examination (MPRE), including regulation of the legal profession, the client-lawyer relationship, conflicts of interest, competence, fees, confidentiality, and obligations to clients, the court, and society. Students will apply applicable ethics rules to identify and resolve ethical problems within the practice of law.

LEARNING OUTCOMES: By the end of the course students should be able to:

- Gain a thorough understanding of the rules that regulate the legal profession, including the ABA Model Rules of Professional Conduct
- Gain a thorough understanding of many topics covered on the MPRE, including the client-lawyer relationship, conflicts of interest, competence, fees, confidentiality, and obligations to clients, the court, and society
- Identify and resolve ethical problems within the practice of law

EMAIL COMMUNICATION: Students must use their MasonLive email account to receive important University information, including communications related to this class. I will not respond to messages sent from or send messages to a non-Mason email address.

TWEN: It is mandatory that you register for the class TWEN page. All class slides, handouts and announcements will be distributed or posted through TWEN.

BASIS OF EVALUATION & ASSESSMENTS: Your final grade will consist of two components: (1) class participation and (2) a final exam.

- Class participation: It is important to prepare for and attend each class. Designated students will be assigned to be on call each week and are expected to have an in-depth preparation of the assigned materials. You also will be expected to participate in our interactive polls. On the basis of your class participation throughout the course I may give a discretionary single-increment adjustment either upward or downward to your final grade.
- Final Exam: The final exam will be on December 4th at 12:00 pm. It most likely will consist of a combination of essay and multiple-choice questions. The exam will be open book. You may use the textbook, the Rules, and any notes or outlines you have created in the course. You may not use notes or outlines that others have created.

COURSE STRUCTURE & RULES: This course is scheduled as an in-person course. However, in the event we must pivot online for a class or classes (e.g. COVID-related), you will receive instructions on how to access the virtual classroom.

INSTRUCTOR EXPECTATIONS

- Students are expected to keep up with the required readings and be prepared to participate in class, even when their panel is not on call.
- We will spend a lot of time working through the problem hypotheticals and students should have thought through and be prepared to discuss their analysis.
- Students are expected to be constructive, courteous, and respectful of diverse opinions during classroom discussions.
- It is fine to disagree with, or critique ideas, but personal/ad hominem attacks are not acceptable.

ATTENDANCE: Regular and punctual attendance are required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs, Christine Malone.

CLASS RECORDINGS PROHIBITED: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me. It is possible that at some point I may have to record a course session for use by students at the express direction from Assistant Dean, Student Academic Affairs to accommodate a student for any required or necessary absences.

COVID HEALTH & SAFETY REQUIREMENTS: Please note that under current University health and safety protocols, face coverings are required for all persons on campus. Please refer to the most up-to-date University policies [here](#).

EXAM CONFLICTS: In accordance with AR 4-4.1, excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination.

ACADEMIC INTEGRITY: It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: <https://sls.gmu.edu/honor/>.

CLASSROOM ACCOMMODATIONS: Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit <http://ds.gmu.edu/> for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

ADDITIONAL SCHOOL POLICIES AND RESOURCES:

STUDENT HONOR CODE - [Click Here](#)

ACADEMIC REGULATIONS - [Click Here](#)

UNIVERSITY LIFE: University Life provides student support resources such as Counseling and Psychological Services (<https://caps.gmu.edu/>), Student Health Services (<https://shs.gmu.edu/>), and the Student Support and Advocacy Center (<https://ssac.gmu.edu/>). For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>

CLASS ASSIGNMENTS: Following is the tentative schedule of assignments. Adjustments may be made as necessary during the course of the semester. Readings are from the Casebook. As you read through your assignments, be sure to also review the corresponding Rules and Comments. You should complete all assigned readings and problems from the Casebook before each class.

TENTATIVE PANEL ASSIGNMENTS (BY FIRST LETTER OF LAST NAME)

Panel 1 – A – H

Panel 2 – I – O

Panel 3 – P – Z

Assignment 1: Background & Introduction; Regulation of Lawyers (Panel 1)

Introduction pp.1-6; Chapter 1 pp. 20-39; Chapter 2 pp.66-74

Assignment 2: Lawyer Liability (Panel 2)

Chapter 2 pp. 86-123, 149-50 (skip Problem 2-1)

Assignment 3: Duty of Confidentiality (Panel 3)

Chapter 4 pp. 240-271 and Handout (Anna, Scene 3)

Assignment 4: Duty of Confidentiality; Privilege (Panel 1)

Chapter 4 pp. 272-281; Chapter 5 pp. 304-328

Assignment 5: Privilege for Corporations; L-C Relationship (Panel 2)

Chapter 5 pp. 335-343; Chapter 3 pp. 152-178

Assignment 6: Lawyer-Client Relationship (Panel 3)

Chapter 3 pp. 183-214; 229-237

Assignment 7: Concurrent Conflicts of Interest (Panel 1)

Chapter 6 pp. 348-382

Assignment 8: Concurrent Conflicts of Interest (Panel 2)

Chapters 6 & 8 pp. 383-391, 440-472

Assignment 9: Conflicts with Former Clients (Panel 3)

Chapter 7 pp. 393-438

Assignment 10: Conflicts between Client and Lawyer (Panel 1)

Chapter 9 pp. 490-533, 553-565

Assignment 11: Lawyers' Duties to Courts (Panel 2)

Chapter 11 pp. 624-651; 675-677; 680-683; 694-700

Assignment 12: Lawyers' Duties to Adversaries and Third Persons (Panel 3)

Chapters 12 & 13 pp. 704-731; 759-762; 786-96

Exam Review