**LLMUS PROFESSIONAL RESPONSIBILITY**

University of Baltimore School of Law

**Professor Norman L. Smith Spring 2018**

**Tues. & Thurs 9:00 – 10:15 a.m.**

**Contact Information**

**410-554-3602 (W); 410-456-0055 (C)**

**E-mail: nsmith@nusinovsmith.com.com**

**Office Hours: By appointment**

**Location:** Room assignments are available through MyUB.

**REQUIRED TEXTS:**

PROBLEMS IN LEGAL ETHICS, Mortimer D. Schwartz, Richard C. Wydick, Rex R. Perschbacher & Debra Lyn Bassett, (11th Ed. 2015).

REGULATION OF LAWYERS, STATUTES AND STANDARDS, Gillers, Simon, and Perlman (Concise Edition 2017)

**COURSE DESCRIPTION:** This course is a study of lawyers’ ethical duties and professional responsibilities with respect to clients, other lawyers, courts and other tribunals, third parties, and the legal system. These responsibilities arise under the American Bar Association Model Rules of Professional Conduct, the Maryland Lawyers’ Rules of Professional Responsibility, and case law construing these rules.

The goals of this course are to heighten your sensitivity to lawyers’ professional responsibility, to sharpen your professional judgment, to prepare you to for the difficult ethical issues you may face in the practice of law, and to help you to identify and avoid problems that could threaten your legal career.

**ASSIGNMENTS:** The Course Outline of reading assignments and other course materials are posted for the course on TWEN. Please check the posted syllabus on TWEN regularly as I expect to supplement and update reading and other assignments throughout the semester. It is important that you complete the assigned readings for each class so that you may participate fully in class discussions and simulations.

**ATTENDANCE:** Please review the UB School of Law attendance policy, described in the *Student Handbook,* <http://law.ubalt.edu/academics/policiesandprocedures/>. Consistent with that policy, students with more than five unexcused absences during the semester may be required to withdraw from the course. An attendance sheet will be circulated at the beginning of every class. Students who sign in will be considered present and prepared and may be called upon in class discussion. Students who do not sign in will be counted absent.

**ACADEMIC INTEGRITY**: Students must refrain from acts that impair the academic integrity of the University and the School of Law. Violations of academic integrity include, but are not limited to, cheating, plagiarism, misuse of materials, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School Honor Code and information regarding the process can be found at <http://law.ubalt.edu/academics/policiesandprocedures/honor_code/>.

**Title IX Sexual Misconduct and Nondiscrimination Policy:**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

**Course Website:**

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

**Computers:**

Students may use laptop computers for class related purposes.

**Class Cancellation:**

If I must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**EMAIL COMMUNICATION:**  I will communicate regularly with the class by email and I encourage you to use email to reach me. It is the responsibility all to check email regularly for changes and supplements to class assignments.

**CLASS PARTICIPATION:** Each Chapter of *Problems in Legal Ethics* contains discussion problems and questions. All students are expected to participate in class discussions of these and other questions posed by the reading material. Your participation in these discussions will become a part of your final grade. You may receive a bump up of one-half a grade level (for example, from a B to a B+) for exceptional participation in class discussions.

**GRADES:** Your grade will be based on a final exam and the quality of your participation in class discussions.

**COURSE OUTLINE**

**CLASS ASSIGNMENT AND DATE:** The reading assignments and topics covered in this class are set out below.

**Assignment No.[[1]](#footnote-1) Subject Reading Assignment**

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| 1 | Sources and Application of Legal Ethics Rules; Admission to the Bar | *Problems In Legal Ethics,* Chapter Two, pages 29-46; 224-227; *Regulation of Lawyers,* page 11-14 (Preamble; Scope) Maryland Rule 19-300.1 (Maryland Preamble); *Application of Strzempek*, 407 Md. 102 (2008); *Application of Allan S*. 282 Md. 683 (1978); Maryland Rule 19-203 (Admission to the Bar, Character Review) |
| 2  Guest Speaker: Maryland Bar Counsel | Attorney Discipline Process | *Problems In Legal Ethics,* Chapter Two, pages 47-59; 65-74 |
| 3 | Beginning and Ending the Lawyer Client Relationship | *Problems In Legal Ethics,* Chapter Three; *Regulation of Lawyers*, Model Rules 1.16, 1.18, 3.1, 6.1, 6.2 and comment |
| 4 | Beginning and Ending the Lawyer Client Relationship- continued | Continue Assignment No. 3 |
| 5 | Solicitation and Advertising | *Problems In Legal Ethics,* Chapter Four, *Regulation of Lawyers,* Model Rules 7.1 – 7.5 and comment |
| 6 | Attorney Fees and Fiduciary Duties | *Problems In Legal Ethics,* Chapter Five; *Regulation of Lawyers,* Model Rules 1.5, 1.8, 1.15 and comment |
| 7 | Attorney Fees and Fiduciary Duties | *Post v. Bregman*, 349 Md. 142 (1998); *Son v. Margolius*, 349 Md. 441 (1998); Maryland Lawyers Rules of Professional Conduct, Rules 19-301.15, 19-301.16 and comment |
| 8 | Competence, Diligence, and Unauthorized Practice | *Problems In Legal Ethics,* Chapter Six; *Regulation of Lawyers,* Model Rules 1.1-1.4, 1.8(h), 1.18, 5.3-5.5 and comment |
| 9 | Competence, Diligence, and Unauthorized Practice (Continued) | Continued Assignment No. 8 |
| 10 | Confidential Information | *Problems In Legal Ethics,* Chapter Seven; *Regulation of Lawyers,* Model Rules 1.2(d), 1.6, 1.8(b), 1.9(b), 3.3, 3.4(a), 4.1 and comment |
| 11 | Confidential Information | Continue Assignment No. 10 |
| 12 | Candor | *Problems In Legal Ethics,* Chapter Eight; *Regulation of Lawyers,* Model Rules 1.6, 3.3, 4.1.8.1, 8.4(c) and comment |
| 13 | Candor | Continue Assignment No. 12 |
| 14  Guest Speaker: Hon. Lynne A. Battaglia, Maryland Court of Appeals (Ret.) | Professionalism, Civility, and Errant Attorneys | Maryland Rules Appendix 19-B: Ideals of Professionalism; *Attorney Grievance Commission v. Link*, 380 Md. 405 (2004); *Attorney Grievance Commission v. Usiak*, 418 Md. 667 (2011) |
| 15 | Fairness in Litigation | *Problems In Legal Ethics,* Chapter Nine; *Regulation of Lawyers,* Model Rules 3.1-3.9, 402-4.4, 8.3(a) and comment |
| 16 | Fairness in Litigation | Continue Assignment No. 10 |
| 17 | Limits on Advocacy | *Christion v. Mattel, Inc.* 286 F.3d 1118 (9th Cir. 2002); *People v. Belge*, 372 N.Y.S. 2d 798 (S. Ct. 1975); *In re Forrest*, 730 A.2d 340 (N.J. 1999); *Matter of Hendrix*, 986 F. 2d 195 (7th Cir. 1993); *Regulation of Lawyers*, Model Rules 3.3,3.4, 8.4, |
| Spring Break  March 18-25 |  |  |
| 18 | Conflicts of Interest- Lawyers, Clients and Third Parties | *Problems In Legal Ethics,* Chapter Eleven; *Regulation of Lawyers,* Model Rules 1.2, 1.7, 1.8, 1.10, 1.13, 1.14, 1.18, 2.1, 3.7, 5.4(c) |
| 19 | Conflicts of Interest- Lawyers, Clients and Third Parties | Continue Assignment No. 18 |
| 20 | Conflicts of Interest- Conflicts Between Two Clients | *Problems In Legal Ethics,* Chapter Twelve, *Regulation of Lawyers,* Model Rules1.6, 1.8(b),(g) ,and (i) 1.9-1.12, 6.3 and comment |
| 21 | Conflicts of Interest Between Two Clients | Continue Assignment No. 20 |
| 22 | Lawyers in Law Firms & Specialized Practice Areas | *Problems In Legal Ethics,* Chapter Thirteen; *Regulation of Lawyers*, Model Rules 1.0©, 1.10, 1.17, 201, 2.3, 2.4, 5.1 |
| 23 | Judicial Conduct | *Problems In Legal Ethics,* Chapter 14; Model Rules 1.12, 3.5, 8.3(b) 8.4(f) |
| 24 | Bias In and Out of the Courtroom | *Problems In Legal Ethics,* Chapter Ten; *Regulation of Lawyers*, Model Rule 8.4(g); Maryland Rule 19-308.4(e) |
| 25 | TBA |  |
| 26 | Review |  |
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1. The Assignment Number does not correspond to a particular date, since it is difficult to say in advance how quickly we will progress through the materials. I will announce in advance the Assignment Number for each class. [↑](#footnote-ref-1)