

Legal Ethics § 3

Professor Tarkington

Class Location and Time

Room 302, Tuesday @ 3:05–4:55 pm

Texts and Syllabus

The texts for the course are

- Geoffrey C. Hazard et al., The Law and Ethics of Lawyering (5th edition); and
- ABA, Model Rules of Professional Conduct (2010 edition).

Supplementary materials may be provided in class as a handout.

Course Objectives

My objective in teaching this class is to encourage you and provide instruction to help you to become diligent, competent, and intelligent attorneys who serve your clients well, and are also honest, principled, civic-minded and compassionate. This class is intended to help you become true professionals, who excel in intellect and character, who understand the lawyer's role in the United States justice system, and who have the moral courage and preparation to deal with ethical issues and obligations inherent in the practice of law.

In pursuit of this objective, we will:

- Examine what professionalism entails.
- Identify, discuss, and analyze many of the ethical issues and obligations unique to the practice of law.
- Examine the Model Rules of Professional Conduct, the ethical issues addressed therein, and the resultant prohibitions applicable to your own conduct as an attorney.
- Analyze case law to explore ethical issues. Cases contain compelling examples of ethical problems where the liberty, rights, fortunes, happiness, and freedom of clients and attorneys are at stake. Examining case law is also important in reminding you that the rules have been interpreted and that you must consult both the rules and the case law when faced with an ethical issue.
- Encourage you to serve others by performing pro bono work as well as work for middle class clients at a significantly discounted rate.

Seating

On Tuesday, January 25, 2011, I will distribute a blank seating chart for you to fill in. Please sit in your chosen seat thereafter to help me learn your names.

Exam

There will be a scheduled two hour **CLOSED BOOK and CLOSED NOTES** final examination.

Grades

Approximately 90% of your grade will be based on your performance on the final exam. The remaining 10% of your grade will be based on participation when called upon. Students who are decently prepared will receive 15 out of 20 possible participation points. That participation score may be increased or decreased for student performances that are particularly outstanding or particularly poor. Adequate preparation consists of a good faith effort to read and understand the materials.

During the semester, you are required to attend a one-hour session on substance abuse, which has not yet been scheduled, but will be held with the other Legal Ethics sections. The state of Ohio requires that your Ethics class include a one-hour session on substance abuse. Additionally, I recently met with members of the disciplinary committees for both Ohio and Kentucky, and both reported substance abuse as their number one disciplinary problem. Learn now to handle stress without resorting to substance abuse, including alcoholism.

Panels

Members of the class have been divided into 4 panels (see attached panel assignment). As shown on the syllabus, each panel is assigned to specific class periods. I will call only on students from the assigned panel for the specified day. Other students are, of course, encouraged to volunteer and participate in the class discussion.

I expect you to read and be prepared every day. You will be responsible on the final exam to have mastered the material covered for every day of class. I am splitting the class into panels to foster more thorough preparation and discussion. Because you will know in advance when you will likely be called upon, **your participation score (10% of your grade) *will be lowered* if you are not prepared or not present on a day when your panel is assigned.**

If you are on the assigned panel on a day when you must be absent, you may, **in advance** of that class period, seek permission from me to switch days. I have sole discretion to determine whether an excuse for absence is justified and whether permission will be granted.

Office Hours

After the semester has begun, I will inform you of my regular office hours. Nevertheless, you are always free to schedule an appointment with me even outside of my office hours. Also, feel free to email me (tarkingtonm@lawgate.byu.edu) or call me (812-932-2344 or 812-717-0344) with any questions or to make appointments. If you call and I am not there, please leave a message. Questions are encouraged and welcomed.

Students with Disabilities

If you have any disability, which may impair your ability to succeed in this course, please contact Associate Dean Oliver for appropriate accommodations.