

## COURSE SYLLABUS

---

---

"Honesty is the first chapter of the book of wisdom."  
– *Thomas Jefferson*

"Character, not circumstances, makes the man."  
-- *Booker T. Washington*

"The man of character, sensitive to the meaning of what he is doing,  
will know how to discover the ethical paths in the maze of possible behavior."  
-- *Earl Warren*

"Rather fail with honor than succeed by fraud."  
-- *Sophocles*

"There is the greatest practical benefit in making a few failures early in life."  
– *Thomas H. Huxley*

"There is a higher law than the law of government. That's the law of conscience."  
– *Stokely Carmichael, 1966*

"It is better to deserve honors and not have them than to have them  
and not deserve them."  
– *Mark Twain*

"All men make mistakes. But a good man yields when he knows his course is wrong,  
and repairs the evil. The only crime is pride."  
– *Sophocles*

"One has not only a legal but a moral responsibility to obey just laws. Conversely, one  
has a moral responsibility to disobey unjust laws."  
-- *Martin Luther King, Jr.*

"If there were no bad people there would be no good lawyers."  
– *Charles Dickens*

---

---

PROFESSIONAL RESPONSIBILITY  
Course No. 5103 Section 001  
Spring, 2006  
Professor Sharisse O'Carroll  
COURSE SYLLABUS



Copyright © Dan Piraro

Professor: Sharisse O'Carroll  
Phone: 584-8976 daytime and evenings until 9:00 p.m.  
Fax: 599-7997  
E-mail: [sloc@cox.net](mailto:sloc@cox.net) ; [sharisse-ocarroll@utulsa.edu](mailto:sharisse-ocarroll@utulsa.edu) (Either address is the best method for communication & conferencing)  
Cellular: 606-2866  
Office phone: 631-3399  
Office Hours: by appointment - before or after class

**Required text:**

T. Morgan & R. Rotunda, *Professional Responsibility Problems and Materials*, (8<sup>th</sup> ed. 2003) ["Text"]  
T. Morgan & R. Rotunda, *2006 Selected Standards on Professional Responsibility* ["Standards"] \*

\* **IMPORTANT NOTE:** Prior to each class session, in addition to reading the Text, you are responsible for reading the relevant provisions of the *ABA Model Rules of Professional Conduct* which begin on page one (1) of the Standards. In addition, at the end of the semester we will study the *ABA Model Code of Judicial Conduct* which begins on page 604 of your Standards. You are responsible for reading the relevant provisions of the *ABA Model Code of Judicial Conduct* prior to class. Although you are not expected to read this material in advance, we will also discuss in class the pre-2002 version of the *ABA Model Rules* which begins on page 173 of your Standards; and the *ABA Model Code of Professional Responsibility*, which begins on page 269 of your Standards.

**Additional Reading.** On occasion throughout the semester I may require additional reading from sources other than the Text or the Standards, such as handouts or cases.

**Course Requirements:**

Class meets Monday/Wednesday\*

2:30 p.m. - 3:45 p.m.

Room 202

**\*IMPORTANT NOTE:** On one Wednesday of each month I chair the OBA Professionalism Committee which meets at 4:00 p.m. Therefore, on these days I may end class five minutes early (3:40 p.m.) and anticipate making up this time by staying five minutes later on the following Monday (3:50 p.m.). You may notify me if you have any concerns about this modification.

**Attendance is mandatory.** Regular attendance and participation is required, and I reserve the right to consider attendance in the calculation of the final grade for this course if there have been excessive unexcused absences (more than five). If there are specific reasons why you must be absent from a future class (ex. an unavoidable trip) or why you were absent from a past class (ex. a serious illness) please discuss the situation with me at the earliest convenient time.

**Preparation is mandatory.** Students will be expected to thoroughly and carefully analyze the assigned problems and readings in the *Text*, as well as the appropriate *ABA Model Rules of Professional Conduct* sections in the *Selected Standards*, and to be prepared to discuss these materials in class. Lively class discussion will be the primary method of instruction in this course, and it is therefore essential that students have read the assignment materials and prepared before each class session. I reserve the right to consider class preparation and participation in the calculation of the final grade for this course.

**Grading:**

In addition to preparation and participation, grades will be based upon student performance on a ethics presentation which will be considered on a pass/fail basis which will not be anonymously graded, and the final examination which will be based upon a letter grade and which will be anonymously graded.

**Final examination.** Grades will be based upon student performance on a one and one half (1 1/2) hour multiple choice examination which will be given on Sunday, April 30, 2006, at 1:00 p.m. (Rooms TBA). The exam will consist of twenty (20) multiple choice questions. You will be permitted to bring the following into the final exam with you: your pen and/or pencil, your *Selected Standards*, your textbook, any notes and/or outlines prepared by you individually or as part of a study group for the purpose of this course, and any materials I have given to you during the semester. These are the **only** materials allowed into the final examination room. Any materials not listed here are not allowed - **no exceptions**. (For example, you may **NOT** bring commercially prepared outlines, any materials prepared by students from previous semesters even if you have written your own notes on them, or practice exam questions). Students will be expected to answer the multiple choice questions based upon the 2002 *ABA Model Rules of Professional Conduct* and/or the *ABA Model Code of Judicial Conduct*.

**Professionalism Presentation.** In lieu of a one and one half (1 1/2) hour essay portion on the final examination, you will be expected to participate in a team project with approximately five other students. Each team will read one book and watch one movie (one about civil law, one about criminal law - a list and sign up sheet will be provided) and will prepare a twenty minute presentation conveying the contents and meaning of the book/movie, and describing how the book/movie affected you and whether you believe there is a need to improve the court system/ improve access to the courts/ improve the image of lawyers/ improve the ethics of lawyers and judges/ and how these goals can be accomplished. (This semester the book will be "Bloodsworth, The True Story of the First Death Row Inmate Exonerated by DNA," by Tim Junkin. The movie will either be "Enron: The Smartest Guys in the Room" which is available January 17<sup>th</sup>, or "A Civil Action.")

*Lawyers must be effective communicators.* You may use any (lawful) method to enhance your presentation - slides, power point, video, audio (use your creativity - high tech or low tech) - the objective of the presentation, in addition to educating, is to enthrall. The presentation may include interviews with judges/ attorneys / bailiffs/ jurors / man or woman on the street / students/ government officials / others. The presentation also may include interviews with the actual participants in book and/or authors, if feasible, and may include personal observations and/or participation in actual cases (in or out of court).

*Lawyers must communicate effectively with brevity.* Dockets are crowded, judges are busy, jurors are distracted. Therefore, you must learn to communicate professionally by respecting the needs of your audience while simultaneously serving your client. Accordingly, your presentation will be limited to twenty minutes.

*Lawyers must be cordial team players.* Attorneys must simultaneously accommodate the needs of their many clients, the vagaries of opposing parties and counsel, and the expectations of the court. In addition to arguing their client's case, lawyers must also be capable at negotiation, compromise, and problem solving. Therefore, you must learn to work with others in a professional manner. Your team will decide how the presentation will be made - all team members are not required to participate in the actual presentation, but all team members must share equally in the preparation and decision-making of the presentation and must treat each other professionally and respectfully in the process.

*Lawyers must read volumes of documents, transcripts, statutes, and treatises; write countless letters, motions, and briefs; and converse endlessly with clients, witnesses, judges, and other attorneys.* Therefore, you must learn to budget your time professionally. You will submit in writing as a team (signed by each of the team members) one summation describing the efforts you each individually made in completing this project. The submission should include a personal observation from each team member about how the book/movie affected you, and how you benefitted professionally from the project. This submission must be no less than three pages double spaced, one inch margins, 12 font, and should not exceed approximately five pages. This summation must be submitted to me at the beginning of class on April 10, 2006, and an exact copy must be e-mailed to me by 6:00 p.m. the same day (April 10, 2006). Just as jury trials are competitions, each team should consider this assignment a competition with the other teams. Your team should present its "case" to the best of its ability. Professionalism equals exemplary preparation and implementation.

This *Professionalism Presentation* project will be factored into your final grade on a pass/fail basis. I reserve the right to refuse to allow a student to take the final exam if the student has not adequately participated in this project.

**YOU CANNOT PASS THIS CLASS IF YOU DO NOT ADEQUATELY PARTICIPATE IN THIS PROFESSIONALISM PRESENTATION PROJECT.**

Sample multiple choice exam questions with answers can be found at the following website:  
[www.mbe.pli.edu/freempres/](http://www.mbe.pli.edu/freempres/)

**Multistate Professional Responsibility Examination [“MPRE”]:**

Information about the MPRE can be found on-line at: [www.ncbex.org](http://www.ncbex.org).

**Student Honor Code:**

The Student Honor Code for the University of Tulsa College of Law shall be followed. Any student not having read this code should locate a copy from the Dean and review it. Any violation of the Student Honor Code which is personally observed by the instructor will be reported. Any student complaining of a violation will be asked to report it to the Dean’s office.

**Class Cancellations:**

If I need to cancel class for any reason, I will make every effort to notify you of the cancellation in advance, most likely by having a notice posted on the TU Law Website under the Secretariat Link. In the event of snow or ice, please call the College of Law office at 631-2401 to find out whether our class will be held. It is possible that class may be canceled under those conditions even if all classes in the College are not canceled. All missed classes will be made up at a time that is as mutually convenient as possible.

**Ethics & Professionalism:**

You should remember that you are engaged in a professional course of study. Thus, you must always interact with your peers, your professors, and any guests, in a manner consistent with the highest standards of professional courtesy and ethics.

**Course Goals:**

The goals of this course are to familiarize students with the manner in which the legal profession is regulated, the ethical issues that routinely arise in the practice of law, and the types of rules that govern attorneys’ professional behavior. **While the course may be of some use to you in preparing for the MPRE, preparation for that exam is NOT a goal of this course, and the course SHOULD NOT be viewed as a bar review course.** The course is likewise not designed to teach you the law of any particular state with regard to an attorney’s ethical obligations. On occasion, however, the law of a particular jurisdiction will be used to highlight particularly controversial issues and to demonstrate ways in which the various jurisdictions interpret and apply the rules or code, or have tailored their professional responsibility statutes and/or rules or regulations to meet their perceived needs, for which you will be responsible.

The focus of this course will be on the absolute requirement that, as practicing attorneys, we maintain the highest level of honesty, integrity, and dedication.

## READING ASSIGNMENTS: <sup>1</sup>

### DATE                      DISCUSSION PROBLEMS & READINGS <sup>2</sup>

January 9	Prior to class: Read Syllabus and "Ethics 101" handout; read the book or view the video of <i>To Kill a Mockingbird</i> , and be prepared to discuss the ethics of Atticus Finch and Mr. Gilmer  Pages 10-14 Changes in the Bar Over the Past Twenty-Five Years; Pages 17 - 18 Moral People versus Moral Actions; Pages 23 - 30 The Matter of Professionalism, Introductory Problem <i>Achieving Justice for the Innocent Client</i>
January 11	Introductory Problem cont'd.; Pages 127-157 Problem 7 <i>The Duty of Confidentiality</i> ; Problem 8 <i>Confidentiality and the Organization as a Client</i>
January 16	<b>NO CLASS. MARTIN LUTHER KING DAY!</b>
January 18	Problem 7 & 8 cont'd.
January 23	Problem 7 & 8 cont'd.; Pages 31-46 Problem 1 <i>Character &amp; Fitness in Admission to Bar</i>
January 25	Problem 1 cont'd.; Pages 46 - 63 Problem 2 <i>The Disabled Lawyer &amp; the Problem of Neglect</i>
January 30	Problem 2 cont'd. Pages 63-82 Problem 3 <i>Regulating Lawyers Outside the Formal Disciplinary System</i>
February 1	Prob. 3 cont'd.; pages 83-95 Problem 4 <i>Relation of Lawyer and Client</i>
February 6	Problem 4 cont'd.; Pages 95-112 Problem 5 <i>Setting Legal Fees</i> ; Problem 6 <i>Handling Client Property and Withdrawing from Representation</i>
February 8	Problem 6 cont'd.; Pages 158-189 Problem 9 <i>Representing Multiple Parties Dealing with Each Other</i> ; Problem 10 <i>The Duty of Loyalty</i>
February 13	Problem 10 cont'd.; Pages 189-202 Problem 11 <i>Conflict in Criminal Litigation</i>

---

<sup>1</sup> This syllabus is subject to (and likely will) change, with notice.

<sup>2</sup> Page numbers refer to Morgan & Rotunda, *Professional Responsibility Problems and Materials* (Text). You will also be expected to read the provisions of the ABA Model Rules (and Judicial Code) in the *Selected Standards* that are necessary for analysis of each problem assigned.

<u>DATE</u>	<u>DISCUSSION PROBLEMS &amp; READINGS</u> con'td.
February 15	TBA (Film) Please read <u>United States v. Dillinger</u> , 472 F.2d 340 (7 <sup>th</sup> Cir. 1972); and <u>United States v. Seale</u> , 461 F.2d 345 (7 <sup>th</sup> Cir. 1972)
February 20	TBA (Film cont'd.)
February 22	Pages 202-215 Problem 12 <i>Conflicts Between Client Interests and the Lawyer's Personal Interest</i>
February 27	Pages 230-260 Problem 14 <i>The Lawyer and Her Former Client</i> ; Problem 15 <i>Imputed Disqualification</i>
March 1	Pages 289-302; Problem 18 <i>Advising the Business Corporation</i> ; Handout <b>"Must You Be the Devil's Advocate?"</b>
March 6	Problem 18 cont'd.; Pages 318-336 Problem 20 <i>The Ethics of Negotiation</i>
March 8	Problem 20 cont'd.; Pages 386-401 Problem 24 <i>Litigation Tactics</i>
<b>March 13 &amp; 15</b>	<b>NO CLASS. HAVE A GREAT SPRING BREAK!!</b>
March 20	Problem 24 cont'd.; Pages 401-416 Problem 25 <i>Disclosure of Law or Facts Favorable to the Other Side</i>
March 22	Problem 25 cont'd.; Pages 416-432 Problem 26 <i>Handling Physical Evidence</i>
March 27	Problem 26 cont'd.; Pages 432-453 Problem 27 <i>The Client Who Intends to Commit Perjury</i>
March 29	Pages 464-494 Problem 29 <i>The Crusading Prosecutor</i> ; Problem 30 "The Duty to See Justice Done"
April 3	Film
April 5	Pages 495-578 Problem 31 <i>Marketing Professional Services</i> ; Problem 32 <i>Ethics of Referral to a Specialist</i>
April 10	Problem 32 cont'd. Problem 35 <i>The Duty to Work for No Compensation</i>
April 12 & 17	Presentations
April 19	Judicial Code: Pages 651-667 Problem 40 <i>The Active Federal Judge</i>
April 24	Last class. Problem 40 cont'd.; review

**END OF SEMESTER - FINAL EXAM Sunday, April 30, 2006 at 1:00 p.m.**