

Collaborative Legal Ethics in a Changing World

Professor Susan Fortney

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I. Course Description

This course explores ethical issues encountered by attorneys practicing in a shrinking world. Internet tools and communications with attorneys and students in the United States will enhance the students' comparative study of legal ethics and professionalism.

II. Course Objectives

- A. To examine the ethical concerns raised by the attorney-client relationship and attorneys' role in society;
- B. To provide each student with an opportunity to study and analyze scholarship, commentary and inter-disciplinary literature related to legal ethics;
- C. To analyze ethical decision-making theories and approaches;
- D. To provide students an opportunity to examine his or her own beliefs and perspectives and those held by other class members, as well as those held by law students and attorneys in the United States; and
- E. To give students the basic framework so that they know what questions to ask in approaching ethical dilemmas.

III. Course Requirements and Evaluation

Each student must be prepared to engage in intelligent and well-informed discussion and analysis of the issues raised in the assigned reading, exercises and problems.

Students will analyze and discuss problems facing legal practitioners. Students will use E-mail to communicate with students in the United States. On at least a weekly basis the students will exchange their opinions and perspectives on the readings, problems, and other assignments. At the end of the semester students will prepare a reflective paper. The weekly exchanges and reflection paper will count for 40% of the student's final grade.

Students will work with Professor Fortney on a class presentation that will be a role play or exercise. The class presentation and general class participation will count for 40% of the student's final grade.

Students will also interview a practicing attorney. A report on the interview will count for 20% of the student's final grade.

IV. Reading

- A. **Lawyers, Clients, and Moral Responsibility** by Thomas Shaffer and Robert F. Cochran, Jr. (Course Book)
- B. **Materials and Problems Compiled by Professor Fortney**
- C. **Materials on International Aspects of Law Practice**

Ethics and International Practice: a Guide to the Professional Responsibilities of Practitioners, by Robert Lutz; 16 FORDHAM INTERNATIONAL LAW JOURNAL 53 (1992/1993) (Lutz article)

An Introduction to the European Community's Legal Ethics Code-Part I: An Analysis of the CCBE Code of Conduct, by Laurel S. Terry; 7 GEORGETOWN JOURNAL OF LEGAL ETHICS 1 (1993) (Terry article)

Selected materials from TRANSNATIONAL LEGAL PRACTICE (book forthcoming) by Mary C. Daly (Daly materials).

V. Class Preparation and E-mail Exchanges

Each student should come to class prepared to discuss the material assigned and to participate in role plays and exercises. Prior to the class, students should exchange their thoughts on the reading by communicating with their U.S. partner. On a weekly basis Professor Fortney will pose questions to be addressed in the E-mail exchanges.

VI. Class Presentations

Students will make presentations related to the regulation of the legal profession and ethics codes. Once students express their preferences, Professor Fortney will prepare a presentation schedule.

Students will work with Professor Fortney on their presentations. Professor Fortney will provide reference material and resources that the students can use in preparing for the presentation. In collaboration with Professor Fortney, the students will prepare the problems and exercises to use in the class presentation.

VII. Attorney Interviews

Each student should interview one practicing attorney who spends at least 50% of his/her time representing clients. Although you have flexibility in how you conduct the interview, you should collect information related to:

1. What they like most and least about their work;
2. What they consider to be the most frustrating aspect of their law practice, as well as the most rewarding.
3. What ethical problems do they consider to be the most troubling;

4. How the attorney addresses ethical dilemmas when applicable ethical codes do not apply.

You should also explain to them the 4 approaches of lawyering described in the Shaffer/Cochran book and get them to comment on the approach they take to lawyering and moral discourse with clients. Students who do not know a lawyer to interview should contact Professor Fortney for names of lawyers who can be contacted.

You should write up the report on the interview describing what you discovered, who you found most surprising, and what you resolved to do based on what you learned. When the report is complete you should send it by E-mail to Professor Fortney and to your U.S. counterpart.

Due date for the report is April 20th. The report should not exceed the equivalent of four pages, double-spaced.

VIII. Instructions for the Reflection Essay

You should write a short essay reflecting on what you learned from class, your lawyer interview, and your exchanges with your U.S. partner. In the essay, you should discuss whether you can be the person you want to be and be a good lawyer. You should also address the moral compass that will guide you and how you will approach your role as an attorney. Finally, you might reflect on the effect of globalization on the practice of law and the ethical problems that attorneys encounter.

The paper should be typewritten, double-spaced and be approximately 5-8 pages. The paper is due May 11th.