

ETHICS AND PROFESSIONAL STANDARDS FOR NON-LAWYERS

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Office hours: Mondays 8-10 p.m. and by appointment. I can be reached during office hours at: <https://ufl.zoom.us/j/4821532024>.

COURSE DESCRIPTION:

This course focuses on ethical issues relating to the relationship between lawyers and nonlawyer colleagues or clients, particularly the prohibition of the unlicensed practice of law, the essentials of the attorney-client relationship, and various types of conflict of interest. The primary focus of the course will be ethical problem-solving. The ultimate goal is to give students the opportunity to begin to develop an informed, personalized, ethical problem-solving methodology and give nonlawyer colleagues and clients a better understanding of the ethics of law practice.

COURSE OBJECTIVES AND LEARNING OUTCOME:

By the end of this course, students will be able to:

- Read and understand the rules, commentary, statutes, and judicial opinions governing the ethical conduct of lawyers.
- Understand the ethical, moral, and policy concerns underlying the law regulating lawyers.
- Identify ethical issues in given fact patterns and work through their solutions using the relevant legal rules.
- Understand the ethical rules governing the unlicensed practice of law and apply them to practical situations involving nonlawyers who work regularly with lawyers and/or legal issues.
- Understand the essentials of the attorney-client relationship, including formation and termination, duties of competence, diligence, loyalty, and confidentiality.
- Understand conflicts of interest and the various ways they impact the relationship between lawyers and nonlawyers.

REQUIRED AND RECOMMENDED TEXTBOOKS:

The required text for this course is Jefferson, Pearce, et al., **PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH** (5th edition 2023). Other handouts or

materials may be assigned during the semester. You may access supplemental materials and view other course related information on the course Canvas page.

COURSE SCHEDULE AND IMPORTANT DEADLINES:

This is a 13-week, 2 credit course with a total of 23 assignments.

Each assignment consists of a set of readings, a series of short lectures, and quizzes. Quizzes are open book and are graded pass/fail. To pass, you need to score an 80% or better. You have two opportunities to complete the quiz before it registers as a fail. Quizzes are not timed.

You must complete all of these components during the week in which they are assigned to receive full credit for the assignment. The assignment list below gives the date on which each week of assignments begins. You may complete them at any time during that week.

I will also host a non-mandatory live Q&A session via Zoom during weeks 1, 3, 5, 7, 9, 11, and 13 on Monday night from 7-8 pm. The Zoom link is here: <https://ufl.zoom.us/j/4821532024>. You are not required to attend any of these sessions.

Instead of a final exam, you will be given three one-hour exams, each of which is of equal weight. You may take the exam at any time during the week in which it is assigned (see below). Once you open the exam, you have two hours to complete it. The exams consist of multiple choice questions and are open book and open note.

The exams will be given in Week 5, Week 9, and Week 13. Each exam will cover only the assignments given since the prior exam. If an exam is listed prior to a given week's assignments, it will not cover those assignments. If it is listed after those assignments it will cover those assignments.

CLASS SCHEDULE AND ASSIGNMENTS

Week 1

1. Intro CB 4-7; Model Rule 1.6(a); Radiolab recording of buried bodies case
2. Unlicensed Practice of Law 29-45

Week 2

3. Lawyers Working with nonlawyers 46-56
4. Starting and ending L-C relationship 71-81, 94-97

Week 3

5. Core duties 101-108, 500-501

6. Allocating decisionmaking 126-137, 139-142

Week 43

7. Other principles governing relationship 142-148
8. Fees – Rule 1.5 and additional readings

Week 5

EXAM #1

9. A-C privilege – basics; seeking legal advice 247-262

Week 6

10. A-C privilege – communication; confidentiality 263-270; 281-83
11. A-C privilege – waiver 285-299

Week 7

12. Duty of Confidentiality 310-329; 332-335
13. Conflicts of interest – simultaneous representation pt. 1 339-348

Week 8

14. Conflicts of interest – simultaneous representation pt.2 348-359
15. Conflicts of interest – simultaneous representation pt.3 359-369

Week 9

16. Specific conflicts 369-377

EXAM # 2

Week 10

17. Conflicts of interest - Former clients 377-393
18. Lawyers as third party neutrals; vicarious disqualification of law firms 393-403

Week 11

19. Duties to courts and other tribunals pt. 1 413-430
20. Duties to courts and other tribunals pt. 2 431-438; 441-446; 461-62; 471;

Week 12

21. Duties to Opposing Parties and Third Parties 477-485
22. Duties regarding law and the legal profession pt. 1 486-497

Week 13

24. Duties regarding law and the legal profession pt. 2 497-508

EXAM # 3

CLASS DEMEANOR EXPECTATIONS:

Students are expected to act in a respectful, professional, and courteous manner when interacting with classmates, faculty, UF staff, and any others involved with the running of the course.

During Q&A sessions, please come with specific questions about the reading, lectures, or assignments. While I enjoy speaking with each of you, I also want to make sure that these sessions enhance your classroom experience. If you wish to speak to me concerning other matters, shoot me an email and we can set up a time to talk.

CLASS ATTENDANCE & MAKEUP POLICIES:

Students are expected to complete all assignments for this course. Because this is an asynchronous course, I do not anticipate that any students should need to “miss” any lectures. I also understand that conflicts may arise that require you to delay completion of a given assignment or assignments to some degree. If this is the case, reach out to me and I will work with you to resolve the situation. The following categories of conflict fall within the category of “excused” delays. With respect to other reasons, discuss them with me and I will do my best to accommodate your situation (if possible and the request is reasonable).

Observance of Religious Holidays:

UF Law respects students’ observance of religious holidays. Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

Absence Due to Illness:

A student who is absent from class or misses any required class-related activity because of illness should contact their instructor, if feasible, as early as possible prior to the missed class or activity. Students shall be permitted a reasonable amount of time to make up the material or activities covered during an excused absence. Students should contact their college by the deadline to drop a course for medical reasons. Students can petition the Dean of Students Office to drop a course for medical reasons. The university's policy regarding medical excuse from classes is maintained by the Student Health Care Center.

EVALUATION METHODS & GRADING POLICY:

Class participation accounts for 25% of your grade. Class participation consists of your timely completion of assignments (reading, lectures, quizzes). Successful completion of these assignments will result in full credit for class participation.

Your three exams count for the remaining 75% of your grade (25% each).

Grade Scale & Grading Policies:

<u>Grade</u>	<u>Points</u>
A	4.0
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
E	0.00

The law school grading policy is available at <https://www.law.ufl.edu/uf-law-student-handbook-and-academic-policies>. Note that the mandatory mean does not apply to MSL or LLM students.

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found [here](#).

STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES:

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean Brian Mitchell. Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available [here](#).

STUDENT COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments.

UF students are also bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’” The Conduct Code specifies a number of behaviors that are in violation of this code and the possible sanctions. [Click here to read the University Conduct Code](#). If you have any questions or concerns, please consult with the instructor in this class.

RECORDINGS:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving

solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student.

RESOURCES:

Wellness:

U Matter, We Care: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.

Counseling and Wellness Center: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.

Student Health Care Center: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).

GatorWell Health Promotion Services: For prevention services focused on optimal wellbeing, including Wellness Coaching for Academic Success, visit the [GatorWell website](#) or call 352-273-4450.

Academic & Tech Support Resources:

E-learning technical support: Contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at helpdesk@ufl.edu.

On-Line Students Complaints: [View the Distance Learning Student Complaint Process.](#)