



- Identify ethical issues in given fact patterns and work through their solutions using the relevant legal rules.

### **Required Text**

The required text for this course is Jefferson, Pearce, et al., *PROFESSIONAL RESPONSIBILITY: A CONTEMPORARY APPROACH –INTERACTIVE VERSION* (4<sup>th</sup> edition 2020). 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.

### **Our Classes:**

Classes will be held on Tuesdays and Thursdays from 4:30-5:55 p.m. in Holland Hall 355C.

### **Office Hours:**

My office hours are on Mondays and Wednesdays from 3:00-4:00 p.m., and by appointment in HH 376. While you should feel free to stop by without an appointment during office hours, I recommend that you make an appointment. If you are unable to meet with me during my regularly scheduled office hours, please send me an e-mail, and I'll be happy to arrange another mutually convenient time.

### **Who Is Your Professor?**



I joined the UF Law faculty 5 years ago after 30+ years practicing complex civil litigation with Holland & Knight in Miami (1983 – 2000) and Tampa (2000 – 2010) and with Quarles & Brady in Tampa (2010 – 2016). During my career I encountered many of the ethical and practical professional responsibility challenges that we will discuss in this course.

I am from Philadelphia. You will undoubtedly notice my latent Philadelphia accent.



I hold a BA in philosophy from Lehigh University in Bethlehem, Pennsylvania, and an MA in philosophy from Washington University in St. Louis, Mo. I graduated from UF Law in 1983.

I am married to Cynthia Tejcek. Cindy graduated from Loyola University in Chicago with a BS in mathematics. She also holds an MBA from Kellogg School of Management at Northwestern University. We meet when she was the chief information officer of the American Bar Association.

### **Contact Information:**

My office is in Room 376 and my cell telephone number is (480) 993-8777. My e-mail address is [hamiltonw@law.ufl.edu](mailto:hamiltonw@law.ufl.edu). I encourage you to contact me regularly during the semester and to ask any questions that you may have about the course or, even more generally, about the practice of law.

### **Teaching Philosophy and Instructional Methods:**

My teaching philosophy is in large part captured in *Make It Stick: The Science of Successful Learning* by Peter C. Brown.

### **Grading:**

Your final course grade will be based on a final exam (90%) and attendance points (10%). Two points are earned for each class attended. Attendance points may be modified based upon course participation and preparation as described below. The final examination will be a multiple-choice proctored examination scheduled and administered by the law school. This course is graded on a curve. I am provided a curved grade range by the Registrar and my class grade average must be within that range.

For further information on the University's grading policies and calculation of grade points please see <https://registrar.ufl.edu/catalog/policies/regulationgrades.html>.

### **Policy related to Make-up exams or other work:**

The law school policy on delay in taking exams can be found at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

### **Accommodations For Students with Disabilities:**

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the Disability Resource Center (<https://disability.ufl.edu/>). 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.

### **Health and Wellness Resources:**

- *U Matter, We Care*: If you or someone you know is in distress, please contact [umatter@ufl.edu](mailto: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](#).
- *University Police Department*: [Visit UF Police Department website](#) or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

**Basic Needs Assistance:**

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

**University Policy on Academic Misconduct:**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

**Information on UF Law grading policies:**

Grade Points	Grade Point	Grade	Point
A (Excellent) 4.0	C+ 2.33	D-	0.67
A- 3.67	C 2.00	E (Failure)	0.0
B+ 3.33	C- 1.67		
B 3.00	D+ 1.33		
B- 2.67	D (Poor) 1.00		

The law school grading policy is available at: <http://www.law.ufl.edu/students/policies.shtml#9> .

**Class Preparation, Participation, and Attendance:**

Students are expected to attend class, to be prepared, and to participate in class discussions. It is your responsibility to locate and initial the sign-in sheet for each class session. By signing your initials, you affirm that you are physically present in class during that class period. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

Pursuant to ABA guidelines, students who have four (4) or more unexcused absences will be barred from taking the final exam and will automatically fail this course. Two or three absences may result in a reduction of your grade as described above, in the section describing grade adjustments for course participation. Absences necessitated by religious holidays are exempted by this policy, so long as you give me advance notice of your absence. More generally, if you are concerned that you may come close to the limit on absences, it is a good idea to keep me informed as to what's going on, so that we can explore whether some accommodation is possible.

### **Taking Notes Should in Class:**

I recommended that you do not take word-for-word literal notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Handwriting your notes is better for you than typing notes. Check out this article: [Note-Taking: Writing vs. Typing Notes](#). Beyond that, it is a good legal skill. You will need to learn to take good witness interview notes, deposition notes, and trial notes. A computer will not always be available or good to use.

### **Recording Devices and Cell Phones:**

Cellular telephones should not be used during class and ringers should be silenced.

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 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 Honor Code and Student Conduct Code.

### **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](#).

### **Workload/class preparation and the 2:1 out of class/in class requirement (ABA Standard 310):**

Students should expect to spend, on average, approximately two hours preparing for every hour of class. Reading assignments are posted on the “Modules” link on the Canvas site (located on the left side of the Canvas site).

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This course has 3 “classroom hours” of in-class instruction each week, requiring at least 6 hours of preparation outside of class. Accordingly, you will have about 60 pages of reading each week. Because the course includes statutory and regulatory excerpts that require careful reading, as well as discussion problems that require thoughtful advance written preparation, you should spend at least one hour on every 10-15 pages of reading.

### **Reading Assignments:**

Below are the assigned reading assignments for the semester. The reading assignments may be adjusted from time to time depending on class progress. All the reading assignments below are from the required text *Professional Responsibility (“PR”)*. These reading may be supplemented during the semester with additional contemporary materials.

1. August 23, PR pp. 1-18, Introducing Professionalism and Legal Ethics
2. August 25, PR pp. 19-38, Introducing Professionalism and Legal Ethics
3. August 30, PR pp. 38-61, Defining the Practice of Law
4. September 1, PR pp. 61-88, Defining the Practice of Law
5. September 6, PR pp. 88-117, Lawyer Competence and Allocations of Responsibility between Lawyer and Client
6. September 8, PR pp. 117-143, Lawyer Competence and Allocations of Responsibility between Lawyer and Client
7. September 13, PR pp. 145-160, Marketing Legal Services

8. September 15, PR pp. 160-189, Marketing Legal Services
9. September 20, PR pp. 189-215, Attorney Fees and Billing
10. September 22, PR pp. 215-230, Attorney Fees and Billing
11. September 27, PR pp. 231-259, Attorney-Client Privilege
12. September 29, PR pp. 259-286, Attorney-Client Privilege
13. October 4, PR pp. 286-310, Confidentiality Under Rule 1.6 and Conflicts between Multiple Clients
14. October 6, PR pp. 310-341, Confidentiality Under Rule 1.6 and Conflicts between Multiple Clients
15. October 11, PR pp. 342-362, Conflicts of Interest
16. October 13, PR pp. 362-380, Conflicts of Interest
17. October 18, PR pp. 381- 397, Duties to the Legal System
18. October 20, PR pp. 397-423, Duties to the Legal System
19. October 25, PR pp. 423-442, Duties to the Court and Opposing Parties and Witnesses
20. October 27, PR pp. 442- 450, Duties to the Court and Opposing Parties and Witnesses
21. November 1, PR pp. 450-471, Duties to the Legal Profession
22. November 3, PR pp. 553-569, Duties to the Legal Profession
23. November 8, PR pp. 569-578, The Role of Lawyers
24. November 10, PR pp. 578-604, The Role of Lawyers
25. November 15, PR pp. 604-634, Competing Visions of Professional Morality
27. November 17, Course Review and Final Examination Prep

The course's Canvas webpage includes our weekly topic, readings, resources, recorded lectures, assignments, and other reference materials. The Canvas web page is our "official" course home.

### **Preferred Name and Pronouns:**

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. I would like to acknowledge your preferred name, and pronouns that reflect your identity. If your name and pronouns are not reflected by your UF-rostered name, please let me know how you would like to be addressed in class.

You can change your “Display Name” in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to [one.ufl.edu](http://one.ufl.edu), click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

### **Discourse, Inclusion, and the Classroom Ethos:**

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- listen carefully and respectfully
- reserve the right to change our mind and allow for others to do the same
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers

**Disclaimer: *This syllabus represents the current course plans and objectives. As the semester proceeds, these plans may be changed to enhance the class learning experience. Such changes are not unusual and should be expected.***