

COURSE SYLLABUS
SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW
LAW 580.01, **Legal Profession** (3 Credit and Lecture Hours), Spring 2020
MW 1:30-2:45 p.m. in Lesar 204

Instructor Contact Information

Instructor: **Philip C. Aka**, J.D., LL.M., S.J.D., Ph.D.
Office: Room 240
Office Hours: Tuesday 1-3 p.m., Thursday 1-2 p.m., and by appointment
Office Phone: (618) 453-8758
Email: philip_aka@hotmail.com

1. Course Description and Outcomes

This course exposes students to the nuts and bolts of legal ethics, more popularly known in law school as professional responsibility, including: (i) the nature and denouement of the attorney-client relationship; (ii) multiple scenarios, five of them altogether in this course, involving application of ethics by lawyers; (iii) definition and typologies of conflicts of interest; (iv) how lawyers can *avoid* professional failures so that these failures don't happen and how they can *redress* them when, per adventure, those failures occur; and (v) the constitutional rights of lawyers and candidates running for judicial offices. To tackle these onerous businesses, please fasten your proverbial seat belts, this course will meet 27 times (5 in January, excluding a public holiday that, under the existing rules, see two paragraphs below, we must make up; 8 in February; 7 in March; and 7 in April) within the fifteen slated weeks of this semester.

The American Bar Association's standards for accrediting law schools contain a formula for calculating the amount of work required to earn one hour of law school credit. Based on these standards, each of the three credit hours of this course reasonably approximates one hour of in-class instruction and at least two hours of out-of-class work per week for the 15 weeks of the academic semester. Accordingly, for this three-credit-hour class, plan on spending approximately three hours weekly *in class* and at least six hours weekly *outside* the classroom preparing for class or immersed in activities related to this course.

A good thing about this course that we do not find with many other courses on the SIU Law School curriculum is that good performance in this course builds into your preparation for the Multistate Bar Exam on Professional Responsibility (MPRE). Instructors who have taught this course before, tell me, and I believe them, that it is hard to learn the materials we cover in this course adequately by relying solely on bar review materials and preparation. My sense, therefore, is that if you apply yourself adequately by mastering the instructional materials we learn this semester in this course, you will find the questions on the MPRE easier, compared to fellow students who did not enroll in this course or did so but did not take their studies seriously.

To ensure compliance with American Bar Association conditions, this course is required to make up any class that is missed because of a holiday. The missed class we will need to make up here will be the public holiday observing Dr. Martin Luther King's birthday on Monday, January 20, 2020. There are two ways to achieve that makeup which we discussed in this course

during our first meeting on January 13, 2020—whether via an additional class or an out-of-class assignment. Our agreement, memorialized in this syllabus, was an out-of-class assignment, as indicated in the **Course Schedule** below, last column under the second row.

Upon successfully completing this course, students will be able, among other achievements, to:

(i) gain familiarity with professional responsibility, within the canvas of the instructional universe spelled out in the first paragraph above and at the cognitive skills appropriate for this upper-level course, namely, apply, analyze, evaluate, and create, consistent with the taxonomy of learning domains set forth by Benjamin Bloom;

(ii) dirty their hand in practice, so to say, with completion of a mock MPRE exam this semester, part of the evaluation in this course, see the section below under **Assessment Instruments**, that I will set up with the assistance of SIU Law Information Technology (IT) crew.

2. Required Textbooks

Stephen Gillers, *Regulation of Lawyers: Problems of Law and Ethics, 11th ed.* (Wolters Kluwer, 2018), ISBN 978-1454897057

Stephen Gillers et al., *Regulation of Lawyers: Statutes and Standards* (Wolters Kluwer, 2019), ISBN 978-1543804294

3. Supplementary Readings

Along with this syllabus, supplementary readings related to this course, should they become necessary in any of the five organizational units of this course (see first paragraph of the course description) will be identified and posted by the instructor on The West Education Network (TWEN) which, by these comments, every student enrolled in this course is advised to check regularly, meaning at least once a week, for possible instructional materials.

4. Assessment Instruments

- (i) MPRE Mock Exam (20%). More details related to this requirement will be provided to you as the semester goes on.
- (ii) Midterm Exam (35%). Take home.
- (iii) Final Exam (40%). Take home. The date indicated for this course in SIU Law's schedule for final exams is Monday, May 4.
- (iv) Attendance and class participation (5%).

5. Plagiarism

Plagiarism is academic misconduct, an act of fraud, that will *not* be tolerated in this course. Plagiarism occurs or is present when the plagiarist takes someone else's work and/or idea and passes it off as his or her own, rather than give due credit to the rightful owner or receive the

owner's consent beforehand. SIU Law's Honor Code defines plagiarism as "passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation *in such a way as to make clear the true author of the work*" (emphasis added).

There are four types of this (mal)practice that some writers identify: *direct*, *self-plagiarism*, *mosaic*, and *accidental*. *Direct plagiarism* occurs when the plagiarist transcribes word for word a section of someone else's work, without attribution and without quotation marks. *Self-plagiarism* occurs when the plagiarist submits his or her own previous work, or mixes parts of previous works, without permission from the professors involved. This would be the case, for example, when a student submits the same piece of work for assignments in different classes without previous permission from the different professors. *Mosaic plagiarism*, also known as "patch writing," occurs when the plagiarist paraphrases another's work without using quotation marks or finds synonyms for the plagiarized language while staying with the general structure and meaning of the original. Last but not least is *accidental plagiarism*. This brand of plagiarism takes place when the plagiarist neglects to cite his or her sources or misquotes the sources, or unintentionally paraphrases a source by using similar words, groups of words, and/or sentence structure without attribution. The lesson from this brand of plagiarism is that students must learn how to cite their sources properly and to conduct their research in a painstaking manner, bearing in mind that lack of intent does not absolve them from responsibility for plagiarism. In other words, cases of accidental plagiarism are taken as seriously as any other plagiarism and are subject to the same range of consequences as those others.

6. Course Policies¹

(a) *Attendance*. The university has an attendance policy that I will do my best to help enforce as an instructor. I will take attendance at every class meeting, using an attendance sheet for that purpose that will be circulated for signature. So please make sure you sign the attendance sheet each time we meet. Please still come to class if you did not do your reading and are therefore unprepared for class. Under the policy of this law school, you are entitled to six (6) absences; more than six (6) absences could result in your being withdrawn from this course. Another reason to attend is because attendance and class participation count for 5% of your grade in this course. Please don't call this miniscule as every point adds up when it comes to building the grades that you need to successfully complete your program in law school.

(b) *Emergency Procedures*. This university is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, this university wants you to familiarize yourself with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, on BERT's website at

¹ Please keep in mind that this is a sample that does not exhaust the list of possibilities. There are several other issues like the inappropriate use of cell phones and computers inside the classroom not covered here that I hope we don't have to deal with in this course but that I brace myself to address appropriately on a case-by-case basis, should they occur.

www.bert.siu.edu, the Department of Safety's website at www.dps.siu.edu (disaster drop down), and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. Please follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

(c) *Policy Relating to Disability Accommodation.* Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. Accessible at <http://disabilityservices.siu.edu/>, the process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. Upon completing a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to enable the law school to provide the proper classroom and examination accommodations.

(d) *Saluki Cares.* The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in various type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, this university seeks to display a culture of care which demonstrates to our students and their families that they are an important part of the community. More details about this program is available on the university's website at <http://salukicare.siu.edu/index.html>, via email at siucares@siu.edu, or by phone at (618) 453-5714. Within the School of Law, you may also contact Assistant Dean Judi Ray by email at judiray@siu.edu, or by phone at 618-453-313, to help you access university resources.

7. Course Schedule²

Week	Dates	Reading	Comment (if any)
One	January 13, 15	Introduction to the book and the course, Chap. 1	
Two	January 22	Ethics in Advocacy, Chap. 7	This reading is a long one that includes assignment for Jan. 20, a public holiday
Three	January 27, 29	Ethics in Criminal Prosecution, Chap. 8; <i>and</i> Ethics in Negotiation and Transactional Matters, Chap. 9.	
Four	February 3, 5	Ethics for Lawyers for Companies and other Organizations, Chap. 10; <i>and</i> Ethics for Judges, Chap. 11.	

² Subject to adjustment, when necessary, consistent with supplementary and related materials.

Five	February 10, 12	Defining the Attorney-Client Relationship, Chap. 2	
Six	February 17, 19	Protecting the Attorney-Client Relationship against Outside Interference, Chap. 3.	
Seven	February 24, 26	Ethics Relating to Money, Chap. 4.	
Eight	March 2, 4	Concurrent Conflicts of Interest, Chap. 5.	
Nine	March 9, 11	Spring Break—No Classes	No reading assigned
Ten	March 16, 18	Successive Conflicts of Interest, Chap. 6.	
Eleven	March 23, 25	Quality Control: Reducing the Chances of Professional Failure, Chap. 12.	
Twelve	March 30	Quality Control: Remedies for Professional Failure, Chap. 13.	
Thirteen	April 1	Quality Control: Nonlawyers in Law Business, Chap. 14.	
Fourteen	April 6, 8	Rights to Free Speech of Lawyers and Judicial Candidates, Chap. 15.	
Fifteen	April 13, 15	Marketing Legal Services, Chap. 16.	
Sixteen	April 20, 22	Revision for Final Exam	