

**Legal Profession**  
Spring 2026 (LAW 580-3 §001)

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**Contact Info**

**Professor Carly Toepke**

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Office: 248

Office hours: Wednesdays 1:00 – 2:30pm

**Class Meetings**

Tuesday: 11:00 am – 12:15 pm ROOM 204

Thursday: 11:00 am – 12:15 pm ROOM 204

**Teaching Assistant Ben Calcaterra**

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## **Class Overview**

Professional Responsibility is about the law that governs lawyers. We will explore the relationship between lawyers and clients; the protection of client confidences; representing organizational clients; conflicts of interest; duties to courts; and duties to adversaries and third persons. Throughout the term, we will study the sources of law that govern lawyers: the ABA Model Rules of Professional Conduct, the Restatement (Third) of the Law Governing Lawyers, and case law from state and federal courts construing the rules.

This course complies with the Law School's Credit Hour Policy, and will require at least 42.5 hours of total student work per credit during the semester (including the final exam period). The course fulfills the professional responsibility requirement for graduation, fulfills ABA Standard 303, and helps start your preparation for the Multistate Professional Responsibility Examination (MPRE) and the Bar Exam. You will also be encouraged to see the rules as an evolving expression of the values of our profession and even our society. For these reasons you will also be asked to consider how to make them better.

### **Multistate Professional Responsibility Examination (MPRE)**

Most states require that all members of the bar pass the MPRE examination. The examination is offered three times a year throughout the country. A packet describing the examination is available online at [www.ncbex.org](http://www.ncbex.org) and at the top of the page there is a sign-up link for the MPRE. While this course helps you prepare for the MPRE, you also need to study separately for the exam. We will not be able to focus on all the rules, for example: judicial ethics. Several bar review providers offer free MPRE preparation, and you all have free access to BARBRI's MPRE test preparation. It is recommended that you study at least 20 hours for the MPRE exam outside of normal class preparation starting 3-4 weeks before the exam date. You need to practice questions and should sit for at least 1-2 full practice exams.

## **Learning Outcomes**

Our learning outcomes in this course are for each student:

- To be able to identify and reason about issues of professional responsibility;
- To understand the ABA Model Rules (the Model Rules) and be able to apply them in common situations;
- To consider the impact of the Model Rules on access to justice.

Law is a heavily regulated profession. Understanding the “law governing lawyering” will be critical to your success in whatever area you practice, making Professional Responsibility universally important. While this course will help you prepare for the MPRE, our goal is not merely to ensure that you have a minimally adequate understanding of the Model Rules governing lawyers. Texas Law students need to learn not only how to apply the Model Rules as they are, but also to understand the purposes and consequences of the Model Rules and develop the insight to shape the rules as future lawyers.

### **Learning Method**

Unlike other courses, we will not focus on cases. Instead, we will focus on applying rules to problems. Our textbook explains the Model Rules and provides problems for discussion. The textbook is very accessible. Take the time to closely read the Model Rules and related comments discussed in the text. The comments are important to understanding the Model Rules.

I will lecture very little during class. The textbook is the lecture. You must have a copy of the Model Rules (including comments) at all times in class. In addition, you should prepare for each class by doing the reading and then preparing your own notes on the problems, discussion topics, and case contexts that are noted in the syllabus. You should also carefully read the Model Rules tagged for each class period, as we will look at them closely together. We will often refer back to Model Rules we have previously discussed, so preparation for class should include a quick review of prior Model Rules covered that are relevant to the assigned material.

### **Assigned Materials**

#### ***Ethical Problems in the Practice of Law***

Lerman, Lisa G., Schrag, Philip G., and Rubinson, Robert  
Wolters Kluwer Legal & Regulatory U.S. (Edition: 6)  
ISBN: 978-1-5438-4621-8

(Required) – Must bring completed, assigned activities to class  
Companion website: <https://www.ethicalproblems.com/>

#### **DISCOUNT CODE:**

<https://aspenpublishing.com/aspenaccess/siusol/7685/toepke/580>

log in with your SIU email

#### ***Model Rules of Professional Conduct, 2025***

##### ***Edition***

ABA Book Publishing  
ISBN: 978-1-6390-5598-2  
(Required) – Must bring to every class

**DISCOUNT CODE: SLSMRPC30- 30% off Model Rules of Professional Conduct, 2025 Edition book**

For quick access you may click into a free copy of the Model Rules and their comments here, but you will need a hard copy to bring to the final exam:

[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/)

**You have permission to use the physical ABA Model Rules on the exam in limited open-book fashion. However, your copy should only have the normal book-noting, highlights, and underlining included to be usable in the exam. For example, it would be a violation of the exam policy to write out your outline in your Rule Book. Otherwise, the exam is closed book/closed note.**

### **Grading and Assessment Methods**

#### **Final Exam: 75%**

The final exam is a timed exam administered during Final Exam period. The exam will contain multiple choice and essay questions. The exam will be limited open book allowing only for a copy of the Model Rules. The exam will be administered using D2L software in limited open book mode. Cell phones, smart watches, tablets, and other electronic devices may not be used during the exam for any reason.

#### **Writing Assignment: 10%**

More details will be released about this assignment that satisfied the Writing Across the Curriculum later in the semester. Professor feedback will be given on this assignment that focuses on legal topics relevant to Professional Responsibility and the Legal Profession.

#### **MPRE Practice Test: 5%**

Students will be given a mini practice MPRE test in class to help in their preparation for the final exam and the MPRE, which will satisfy the Bar Assessment.

#### **Participation & Professionalism: 10%**

Punctual attendance to class and active participation in class discussions are required. Assigned in-class and out of class activities (some required as D2L submissions) will count toward participation. It is expected that each student will participate in class discussion.

## **Ban on Plagiarism and Collaboration**

Plagiarism is the act of taking someone else's work, ideas, or words and passing them off as your own without crediting the source. **Plagiarism is not permitted in this course.** You must acknowledge the use (direct or indirect) of an outside source by using citation.

**You are also not allowed to collaborate on assignments in this course.** This means you may not obtain written material or communicate with anyone (including your fellow students) about an assignment except your me (your professor) and my Teaching Assistant. This includes, but is not limited to, writing an assignment jointly, editing another student's work, copying anyone else's work, reading another student's work before it is turned in or before you turn in your assignment. **\*\*Note that I consider using AI in any form(ChatGPT, Grammarly, etc.) to be collaboration.** **\*\*** Submissions will be run through an AI/Plagiarism checking software. **\*\***

You need to learn to write well without relying on AI and must uphold the ethical responsibilities we are learning about in this class now and throughout your practice. Do not be like these lawyers. See Sara Merken, *Lawyer who used flawed AI case citations says sanctions unwarranted in whistleblower case*, Reuters (Aug. 27. 2024) <https://www.reuters.com/legal/transactional/lawyer-who-used-flawed-ai-case-citations-says-sanctions-unwarranted-2024-08-27/>; Sam Skolnik, *Lawyer Sanctioned Over AI-Hallucinated Case Cites, Quotations*, Bloomberg Law (Nov. 26, 2024) <https://news.bloomberglaw.com/litigation/lawyer-sanctioned-over-ai-hallucinated-case-cites-quotations>; John Russel, *Sanctions ordered for lawyers who relied on ChatGPT artificial intelligence to prepare court brief*, Courthouse News Service (June 22, 2023) <https://www.courthousenews.com/sanctions-ordered-for-lawyers-who-relied-on-chatgpt-artificial-intelligence-to-prepare-court-brief/>; Golriz Chrostowski, *ANALYSIS: Sanctions for Fake Generative AI Cites Harm Clients*, Bloomberg Law (April 3, 2024) <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-sanctions-for-fake-generative-ai-cites-harm-clients> (“. . . attorneys should be very careful with their use of generative AI. One misstep may mean a call to their malpractice insurer.”).

If I find that you have plagiarized or collaborated while working on an assignment, you will receive zero points for that assignment, lose professionalism points, and possibly incur other penalties. You will be reported and may be found in violation of the school's Honor Code, which can lead to serious penalties, including expulsion. Note that an Honor Code

investigation may be reported to the Bar Examiners. **If you have any questions about this policy, ask me. It is not worth it to plagiarize or collaborate.**

*\*\*\*Note: if there is any deviation from the class collaboration policy (for example, group work), the instructions on the assignment will be clear about what is allowed.*

### **AI Tools**

In this class, it is a violation of the honor code to misrepresent work that you submit or exchange with your instructor, work produced by a generative AI tool such as ChatGPT, Grammarly, or otherwise by characterizing that work as your own if it is not your own. In this class, you may not use generative AI for any writing task, including without limitation for generating text or images, outlining, grammar checks, revision to make it “sound more professional” or similar, revision to achieve a certain word count, or revision of organization. See above section on *Collaboration* for more information.

### **Attendance Policy & Participation in Class**

As specified in the Rules of the Southern Illinois University Simmons School of Law, “regular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties” under School of Law Rule III.5(g).

It is your responsibility to ensure that you sign the attendance sheet during class, which means you have arrived on time and have stayed the whole class period. You should also note that the School of Law Honor Code states that it is academic misconduct to sign another student’s name to an attendance sheet for a class that the other student did not attend.

**Arriving late is disruptive to learning. Therefore, when the lecture begins, the door will be shut. After the door is shut, you will not be able to enter the room late and will therefore be marked absent. Similar to court, arrive punctually.**

Students may have no more than a **maximum of four absences** (partial or total) for any reason (other than jury duty, the student’s hospitalization, religious observances, birth or adoption of the student’s child, or a death in the student’s immediate family – any of which shall be proven by documentation). Students with more than four absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.

It is expected that students will review the slides and materials of any classes they missed and come to Office Hours with questions.

**Please treat class as you would court—be on time, be prepared, and be attentive.** Also, just as in court be respectful of others. I encourage the voicing of different opinions in class and will ask you to argue both sides of issues – some which may be uncomfortable. I will also ask you to explain what is guiding your thinking, which may bring the discussion to personal values and morals. It is critical that you remain open to listening and understanding the diverse values of others. We will work carefully to foster open, honest, and robust discussion in class.

**Active participation is required.** You must do the reading and prepare the assigned problems before you arrive to class. You will be separated into “firms,” where you will discuss the pre-assigned problems. For each class the firm will have a different spokesperson assigned at the beginning of the class. While each firm member can express different opinions on the problems and can express their ideas separately, the spokesperson will give the overall results of the small group discussions throughout the class period. Although there is a new spokesperson for each firm each class, all students are encouraged to participate. Students may be called on to answer even if not the spokesperson that day.

### **Access to Content**

Use of laptops will be allowed but only to the extent your use is consistent with educational gain and professional appearance. It is important that you pay attention and use your device only to pull up the Model Rules or to take notes. Bear in mind that some students with disabilities may use software that requires their constant use of laptops. Each student should assess themselves how much use of the device is helpful to learning. Please do not use your device to communicate with others during the class, or to look at unrelated content. I reserve the right to ban laptop use in the classroom if laptops are being used for purposes unrelated to class.

### **Sharing of Course Materials is Prohibited.**

No materials used in this class, including, but not limited to, lecture hand-outs, videos, assessments (quizzes, exams, papers, projects, homework assignments), in-class materials, review sheets, and additional problem sets, may be shared

online or with anyone outside of the class unless you have my explicit, written permission. Unauthorized sharing of materials promotes cheating. It is a violation of the University's Student Honor Code and an act of academic dishonesty to cheat. I am well aware of the sites used for sharing materials, and any materials found online that are associated with you, or any suspected unauthorized sharing of materials, will be reported to the Dean. These reports can result in sanctions, including failure in the course, reporting to the State Bar during the Character and Fitness evaluation, etc.

### **Accessibility Statement**

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Office of Access and Accommodations, formerly Disability Support Services, coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact OAA immediately at 618-453-5738 or [disabilityservices.siu.edu](mailto:disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Please send approved accommodations to your faculty through the DSS online portal.

Because the Law School operates primarily on an anonymous grading system where possible, academic accommodations are coordinated through the Office of Access and Accommodations. Faculty members are included in the process only when needed to implement classroom accommodations.

## Course Requirements and Assignments

The below schedule of readings and assigned problems will remain **flexible** throughout the semester. Readings will be updated as needed depending on how we progress through the material. Students are encouraged to practice outside problems relating to the Model Rules we cover in class each week to help further prepare for the MPRE and the PR final exam. Multiple choice questions will be added to ends of slide decks to help test knowledge. It is recommended to do these every week – not wait until final prep time.

The Model Rules required each week **include the comments** following each rule. The “Reading Due” pages assigned are from the Lerman textbook. The “Problems Due” are written in the Lerman textbook. Some problems due will only be discussed in class; others may have a required submission on D2L that goes towards participation points.

Date	Class Topic	PR Rules – Read Before Class	Reading Due – Read Before Class	Problems Due – Prepare Before Class
Before School Starts	Intro to Professional Responsibility	Preamble Scope	Pgs. 1-15	
<b>The Who of Lawyering</b>				
Class 1 Jan. 13	Admission	8.1	Pgs. 17-40	1-1 Adderall 1-2 Doctored Resume
Class 2 Jan. 15	Regulation & Reporting	8.3, 8.4	Pgs.63-78; 84-96 105-110	2-1 Dying Mother 2-2 Exculpatory Evidence
Class 3 Jan. 20	Supervision, Liability & Unauthorized Practice of Law	5.1, 5.2, 5.3, 5.5	110-134, 738-746	2-3 Little Immigration Hearing Smart & Howe Problem Wieder Discussion 13-1 Special Education

Further reading to be distributed on D2L.

*This Syllabus incorporates by reference the Provost Syllabus Attachment and the Law School Syllabus Attachment.*