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Fall 9-1-2018

# LEG 184.01: Legal Ethics

Thomas Stanton

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**MISSOULA COLLEGE UNIVERSITY OF MONTANA  
BUSINESS TECHNOLOGY DEPARTMENT  
PARALEGAL STUDIES PROGRAM**

**COURSE SYLLABUS for LEGAL ETHICS**

**COURSE NUMBER AND TITLE:** LEG 184-AU18-Stanton, Legal Ethics

**ACADEMIC MISCONDUCT STATEMENT:**

All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or disciplinary sanction by the University.

All students need to be familiar with the Student Conduct Code. The code is available for review online at [http://life.umt.edu/vpsa/student\\_conduct.php](http://life.umt.edu/vpsa/student_conduct.php).

**PREREQUISITES:**

None

**COURSE DESCRIPTION:**

Introduction to ethics for the paralegal, including confidentiality, paralegal-attorney relationship, fee arrangements, Code of Professional Conduct, attorney-client privilege, fiduciary responsibilities, and public service.

**CREDITS AWARDED UPON SUCCESSFUL COMPLETION:**

2 Credits

**REQUIRED TEXT AND MATERIALS:**

Ethics and Professional Responsibility for Legal Assistants, Current Edition.

Author: Therese A. Cannon

Publisher: Aspen Law & Business (Aspen Publishers, Inc.)

**SUPPLEMENTAL MATERIALS:**

As announced and/or distributed by the instructor.

Case annotations following chapter materials.

**COURSE OBJECTIVES AND SKILLS DEVELOPMENT:**

1. Recognize situations giving rise to application of Legal Ethics tenets
2. Develop awareness of concepts of confidentiality and conflict of interest
3. Understand the sources of professional responsibility and conduct
4. Learn all general rules of professional responsibility
5. Acquire working knowledge of the Montana Rules of Professional Responsibility
6. Distinguish differences between the Montana Rules of Professional Responsibility and the Model Code of Professional Responsibility
7. Analyze case studies to discern application of rules of professional conduct

8. Analyze local examples of lapses of professional conduct
9. Apply standards of professional conduct in hypothetical situations
10. Establish a personal commitment to upholding the tenets of professional conduct

**INSTRUCTIONAL METHODS:**

Lecture, Interactive topic discussion, Chapter question answer and discussion, Case reading and analysis

**METHODS OF VALUATION:**

Students will be graded in three general areas:

Assignment completion

Mid-Term Examination and/or Periodic Subject Mastery Quizzes

Final Examination.

The categories will be graded in an objective manner. The categories will be computed into a final grade using a point allocation system and weight factoring formula. Attendance may be considered when a student falls on the borderline between grades.

**GRADING SCALE**

A: 100-93%

B: 92-85%

C: 84-77%

D: 76-70%

F: below 70%

**PRACTICAL ASSIGNMENTS TO DEVELOP PARALEGAL COMPETENCIES:**

This is a first year, first semester course which seeks to develop basic learning skills and familiarize the student with tenets of professional conduct.

Students will read legal texts and cases.

Students will learn to find cases using internet resources and law library case books. Students will brief cases.

Students will discuss and discern situations leading to conflicts with professional conduct tenets. Students will be presented with professional conduct conflicts and analyze their creation and resolution.

**DETAILED OUTLINE OF SUBJECT AREAS WITH TIME INCREMENTS FOR EACH:**

**NOTE: Case list may change depending on relevance, edition selection, interest, or by discussion. Always obtain notes on case lists for discussion from prior class notes.**

## Week 1

Monday, September 3- Holiday, Labor day

Introduction and Discussion of Syllabus. (25 minutes)

Case reading skills, various ethics reporters and decisions (25 minutes)

Discussion: Chapter 1: Regulation of Lawyers (50 minutes)

- State Courts and Bar Associations
- American Bar Association
- Sanctions and Remedies

## Week 2

Discussion: Chapter 1 Cases: *Bennion* (40 minutes), *Unauthorized Practice* (15 minutes)

Discussion: Chapter 1 cases questions (15 minutes)

## Week 3

Discussion: Chapter 2, Ethical Guidelines and Regulation of Legal Assistants (50 minutes)

- History of Paralegal Profession
- Growth of Paralegal Profession
- Regulation of Paralegals
- Guidelines for Paralegals
- Liability of Paralegals

Chapter 2 Cases: *Musselman* (20 minutes), *Supreme Court of Arizona* (15 minutes)

## Week 4

Chapter 2 cases: *Florida Bar* (20 minutes), *Estate of Divine* (35 minutes)

Chapter 3, *Unauthorized Practice of Law* (50 minutes)

- History of Unauthorized Practice
- Practice of Law Defined
- Lawyer's Responsibility to Prevent Unauthorized Practice
- Practice of Law Defined
- Paralegal Tasks that May Constitute the Unauthorized Practice
- Practice before Administrative Agencies
- Disclosure of Paralegal Status
- Paralegals as independent Contractors

## Week 5

Discussion: Chapter 3 cases: *Florida Bar* (15 minutes), *Board of Commissioners* (20 minutes), *In Re Moffett* (15 minutes), *People v. Landlords* (15 minutes), *In Re Morin* (20 minutes), *Florida Bar* (15 minutes)

## Week 6

Discussion: Chapter 4, Confidentiality (50 minutes)

- Principles of Confidentially
- Attorney-Client Privilege
- Work Product
- Ethics Rules of Confidentially
- Paralegals and Rules of Confidentially
- Inadvertent Disclosure

Discussion: Chapter 4 cases Mitchell (15 minutes), Discussion Re: Discovery Rule 34, Production of Document, etc. (20 minutes), Samaritan Foundation (20 minutes)

## Week 7

Chapter 4 Cases continued: *HPD Labs* (15 minutes), *Bloss* (15 minutes), *In Re Grand Jury* (15 minutes), *Berg Electronics* (15 minutes), *In Re Brown* (10 minutes)

Chapter 5, Conflicts of Interest (30 minutes)

- Simultaneous Representation
- Successive Representation
- Attorney as Witness
- Other Conflicts in Relationships with Clients
- Imputed Disqualification
- Conflicts Checks

## Week 8

Chapter 5 cases: *In Re Complex* (10 minutes), *Phoenix Founders* (10 minutes) *Smart Industries* (10 minutes) *Hayes* (15 minutes) *Ciaffone* (5 minutes), *Zimmerman* (10 minutes) cases  
Test #1 (50 minutes)

## Week 9

Discussion: Chapter 6, Advertising and Solicitation (50 minutes)

- Advertising
- Solicitation
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Review of Mid-Term Examination (50 minutes)

## Week 10

Discussion: Chapter 6 cases: *Bates* (30 minutes), *Florida Bar* (25 minutes), *Cartmel* (20 minutes), *Ohralik* (35 minutes)

## Week 11

Chapter 7, Fees and Client Funds (50 minutes)

- Fee Arrangements
- Terms/Communicating Fee Agreements
- Court Awarded Attorney Fees
- Fee-Splitting, Partnerships with Non-Lawyers
- Client Funds and Property

Discussion: Chapter 7 cases: *Missouri* (15 minutes), *Taylor* (5 minutes), *Absher* (5 minutes), *New Mexico* (5 minutes), *In Re Music Merchants* (5 minutes), *Koonitzky* (5 minutes), *Bass* (5 minutes), *Hessinger* (5 minutes)

## Week 12

Discussion: Chapter 8, Competence (50 minutes)

- Legal Education
- Paralegal Education
- Competency
- Sanctions
- Developments in Malpractice
- Avoiding Malpractice
- Factors Affecting Competence

## Week 13

Discussion: Chapter 8 cases: *Gillaspy* (10 minutes), *De Vaux* (10 minutes), *Busch* (10 minutes), *Webb* (10 minutes), *Biakanja* (10 minutes)

Discussion: Chapter 9, Special Issues in Advocacy (50 minutes)

- Unmeritorious Claims, Delay, Discovery Abuse
- Courtroom Behavior
- Candor and Honesty
- Relationships/Communications with Others
- Trial Publicity
- Special Rules for Prosecutors
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## Week 14

Discussion: Chapter 9 cases: *Chira* (20 minutes), *Massey* (15 minutes), *Jorgenson* ((10 minutes), *Crane* (10 minutes)

Discussion: Chapter 9 cases (continued) *Omaha Bank* (20 minutes), *Eaton* (20 minutes), *Ostitis* (10 minutes)

## Week 15

Discussion: Chapters 10, Professionalism (50 minutes)

- Professionalism in the Legal Field
- Professionalism for Paralegals
- Current Issues in Professionalism
- Pro Bono Work

Review Chapter and Case concepts (50 minutes)

## Week 16

Final Exam date and time per U.M.-C.O.T. Schedule

Time Allocated for Final Examination: 3.0 hours

### **SYLLABUS REVISION DATE:**

August 2018

Note: Instructor reserves the right to modify syllabi and assignments as needed for any reason.

### **ATTENDANCE POLICY:**

An attendance sheet will be distributed at the beginning of every class. All students are expected to attend every class unless excused by the instructor prior to class.

### **CLASS MEETING TIME AND PLACE:**

Mondays and Wednesdays, 1:00 PM to 1:50 PM in room MC 240

### **DISABILITY ACCOMODATION STATEMENT:**

If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter prior to any situation that might give rise to the special consideration requested. Please be prepared to provide a letter from your DSS coordinator. For more information, visit the Disability Services website at <http://www.umt.edu/dss/> or call 406.243.2243 (voice/text).

### **INSTRUCTOR CONTACT INFORMATION:**

Name: Thomas H. Stanton, email: Tom.Stanton@umontana.edu, Telephone: (406) 243-7850, Office and Meeting times: AD 11 Faculty Office Suite, (North-East corner Business Administration Building, East Campus), before, between and after classes, or by appointment (see schedule on office door).

### **MISSED/LATE COURSE WORK POLICY:**

Missed or late course work can be turned in within 24 hours of the assignment due date for 50% credit. Missed or late course work turned in after 24 hours of the assignment due date will be awarded no credit. This policy can be amended at the discretion of the instructor upon proof of adequate justification.

### **TESTING POLICY:**

Make up tests or quizzes will not be given unless the instructor is contacted at least one hour prior to the scheduled time for the test or quiz. It is the student's responsibility to contact the instructor either in person or in writing regarding an anticipated missed test or quiz.

### **CELL PHONE POLICY**

Please turn off cell phones before class begins as they are distracting to faculty and other students.  
NOTE: The instructor reserves the right to physically disable offending communicating devices.