2/6/07 UNIVERSITY OF BALTIMORE

DOCUMENT N: COURSE AND PROGRAM DEVELOPMENT COVER SHEET

See Course and Program Development Policy and Procedures for Instructions

SCHOOL: LAW ☑ MSB ☐ YGCLA ☐ Contact Name: Cheryl Cudzilo Phone: x4457

DEPARTMENT / DIVISION: Law School

SHORT DESCRIPTION OF PROPOSAL (state name of action item 1-20 and course name, code & number / program affected):
New Course: LLM Professional Responsibility

PROPOSED SEMESTER OF IMPLEMENTATION: Fall ☐ Spring ☑ Year: 2009

Box 1: TYPE OF ACTION ADD(NEW) ☑ DEACTIVATE ☐ MODIFY ☐ OTHER ☐
Box 2: LEVEL OF ACTION Non-Credit ☐ Undergraduate ☑ Graduate ☑ OTHER ☑

<table>
<thead>
<tr>
<th>Box 3: ACTION ITEM</th>
<th>DOCUMENTS REQUIRED</th>
<th>IMPACT REVIEWS</th>
<th>APPROVAL SEQUENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(check appropriate boxes)</td>
<td>(see box 4 below)</td>
<td>(see box 5 on back)</td>
<td>(see box 6 on back)</td>
</tr>
</tbody>
</table>

1. Experimental Course 1
2. Course Title
3. Course Credits
4. Course Number
5. Course Level
6. Pre & Co-Requisite
7. Course Description
8. New Course
9. Deactivate a Course
10. Program Requirements
11a. UG Specialization (24 credits or less)
11b. Masters Specialization (12 credits or less)
11c. Doctoral Specialization (18 credits or less)
12. Closed Site Program
13. Program Suspension
14a. Certificate Program (ug/g) exclusively within existing degree program
14b. Certificate Program (ug/g) where degree programs do not exist or where courses are selected across degree programs (12 or more credits)
15. Off-Campus Delivery of Existing Program
16a. UG Concentration (exceeds 24 credit hours)
16b. Masters Concentration (exceeds 12 credit hours)
16c. Doctoral Concentration (exceeds 18 credit hours)
17. Program Title Change
18. Program Termination
19. New Degree Program
20. Other

Box 4: DOCUMENTATION (check boxes of documents included)

☑ N. This Cover Sheet ☐ Q. Full 5-page MHEC Proposal ☐ T. Other
☑ O. Summary Proposal ☐ R. Financial Tables (MHEC)
☞ P. Course Definition Document ☐ S. Contract

1. Approval of experimental course automatically lapses after two offerings unless permanently approved as a new course.
2. Codes: a) Library Services (Langsdale or Law) b) Office of Technology Services c) University Relations d) Admissions
3. Letter of Intent is required by USM at least 30 days before a full proposal can be submitted. Letter of Intent requires only the approval of the dean and the provost and is forwarded to USM by the Office of the Provost.
4. One-page letter to include: Program title & degree/certificate to be awarded; resources requirements; need and demand; similar programs; method of instruction; and oversight and student services (MHEC requirement)
5. One-page letter with description and rational (MHEC requirement)
6. One or two-page document that describes: centrality to mission; market demand; curriculum design; adequacy of faculty resources; and assurance program will be supported with existing resources. (MHEC requirement)
7. Learning objectives, assessment strategies; fit with UB strategic plan
8. Joint Degree Program or Primary Degree Programs require submission of MOU w/ program proposal. (MHEC requirement)
9. Temporary suspension of program to examine future direction; time not to exceed two years. No new students admitted during suspension, but currently enrolled students must be given opportunity to satisfy degree requirements.
10. Provide:
   a. evidence that the action is consistent with UB mission and can be implemented within the existing program resources of the institution;
   b. proposed date after which no new students will be admitted into the program;
   c. accommodation of currently enrolled students in the realization of their degree objectives;
   d. treatment of all tenured and non-tenured faculty and other staff in the affected program;
   e. reallocation of funds from the budget of the affected program; and
   f. existence at other state public institutions of programs to which to redirect students who might have enrolled in the program proposed for abolition.

11. University Council review (for a recommendation to the President or back to the Provost) shall be limited to curricular or academic policy issues that may potentially affect the University's mission and strategic planning, or have a significant impact on the generation or allocation of its financial resources.

<table>
<thead>
<tr>
<th>Box 5: IMPACT REVIEW</th>
<th>SIGNATURES (see procedures for authorized signers)</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Library</td>
<td>Director or designee:</td>
<td></td>
</tr>
<tr>
<td>□ No impact</td>
<td>□ Impact statement attached</td>
<td></td>
</tr>
<tr>
<td>b. OTS</td>
<td>CIO or designee:</td>
<td></td>
</tr>
<tr>
<td>□ No impact</td>
<td>□ Impact statement attached</td>
<td></td>
</tr>
<tr>
<td>c. University Relations</td>
<td>Director or designee:</td>
<td></td>
</tr>
<tr>
<td>□ No impact</td>
<td>□ Impact statement attached</td>
<td></td>
</tr>
<tr>
<td>d. Admissions</td>
<td>Director or designee:</td>
<td></td>
</tr>
<tr>
<td>□ No impact</td>
<td>□ Impact statement attached</td>
<td></td>
</tr>
<tr>
<td>e. Records</td>
<td>Registrar or designee:</td>
<td></td>
</tr>
<tr>
<td>□ No impact</td>
<td>□ Impact statement attached</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Box 6: APPROVAL SEQUENCE</th>
<th>APPROVAL SIGNATURES</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Department / Division</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>B. Final faculty review body within each School</td>
<td>Chair: Michael A. Hayes</td>
<td>9/1/2005</td>
</tr>
<tr>
<td>C. College Dean</td>
<td>Dean:</td>
<td></td>
</tr>
<tr>
<td>D. Provost and Senior Vice President for Academic Affairs</td>
<td>Provost: Michael J. Hayes for Susan James</td>
<td>9/6/2005</td>
</tr>
<tr>
<td>E. Curriculum Review Committee (UFS subcommittee)</td>
<td>Chair: Bethany B. Hayes</td>
<td>9/5/2008</td>
</tr>
<tr>
<td>F. University Faculty Senate (UFS option)</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>G. University Council (see #11 above)</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>H. President</td>
<td>President:</td>
<td></td>
</tr>
<tr>
<td>I. Board of Regents – notification only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Board of Regents – approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K. MHEC – notification only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. MHEC – approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. Middle States Association notification</td>
<td>Required only if the mission of the University is changed by the action</td>
<td></td>
</tr>
</tbody>
</table>
For new courses or changes in existing courses (needed by Registrar)

<table>
<thead>
<tr>
<th>OLD Title: n/a</th>
<th>Course # / HEGIS Code: n/a</th>
<th>Credits: n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW Title LLM Professional Responsibility</td>
<td>Course # / HEGIS Code: LAWG 652</td>
<td>Credits: 3</td>
</tr>
</tbody>
</table>

O-2: Set forth the rationale for the proposal:

For those LL.M. students who intend to take the D.C. or New York bar examinations, this course provides the essential skills required to successfully complete the professional responsibility requirements of the bar. Further, if those students intend to practice law in the United States, this course provides the essential skills required to fulfill the ethical responsibilities of a responsible lawyer. The University and Law School benefit by producing a cohort of LL.M. students capable of passing the bar and practicing law in the United States and bringing those skills to bear on the practice of law in their home countries.
1. Date Prepared: September 9, 2008
2. Prepared by: Professor Mortimer Sellers
3. Department: School of Law
4. Course Number(s), including HEGIS code(s): LAWG 652
5. Course Title: LLM Professional Responsibility
6. Credit Hours: 3
7. Catalog Description (Paragraph should reflect general aims and nature of the course):
   Introduction to the ethics of law and lawyering as applied to the legal system of the United States. Topics to be discussed will include the responsibilities of lawyers in an adversary system, the duty of lawyers to advance justice, fidelity to the common law and Constitution, the organization of the bar, attorney discipline, the attorney/client relationship, the duties of loyalty and confidentiality, conflicts of interest and the relationship between morality, law, and justice in American legal practice.
8. Prerequisites: None
9. Faculty qualified to teach course: Law Faculty who teach the required course Professional Responsibility
10. Course Type (check appropriate)
    Open Enrollment: x
11. Suggested approximate class size: 30
12. Content Outline:
    See attached syllabus
13. Learning Goals:
    • Learn to identify ethical issues as they arise in practice;
    • Gain familiarity with the ABA Model Rules of Professional Conduct and, when relevant, how state rules differ from the Model Rules
    • Engage in a critical analysis of the Model Rules, including the policies underlying them;
    • Explore crucial issues facing the legal profession and its societal role, with a particular emphasis on providing access to justice;
    • Reflect on the personal and professional choices available to law students and lawyers
14. Assessment Strategies:
   Exam: x
   Short Assignments: x

15. Suggested Text(s) and Materials (example: textbooks, equipment, software, etc.):
Lisa Lerman & Phillip Schrag, ETHICAL PROBLEMS IN THE PRACTICE OF LAW (2D ED.)
PROFESSIONAL RESPONSIBILITY  (Course Outline)

ASSIGNMENTS: Assigned readings are set forth below. In most instances, two assignments are set forth for each class. These should be read in order. Readings will be supplemented with materials on the course TWEN site. Unless noted otherwise, assignments in the LAW GOVERNING LAWYERS compilation refer to the Rule number of the current version of the American Bar Association's Model Rules of Professional Conduct. When assigned a Rule to read, you should review both the assigned Rule and the “Comments” associated with the assigned Rule. For the Lerman/Schrag text, you need not read the “Problems” in the text unless advised otherwise. Please be sure to bring both assigned texts to each class. Revised syllabi may be distributed as necessary as the semester progresses.

SIMULATIONS: Over the course of the semester, we will do a number of simulations. In some cases, student volunteers will perform these simulations in class. In other cases, the entire class will participate.

WEB PAGE: This course has a TWEN page through Westlaw. The page will include this syllabus and future revised syllabi, readings, and other materials. The site will also facilitate email communications, including messages about the substance of the course and, if necessary, announcements about class cancellations or make-up classes.

ASSIGNMENTS

I. INTRODUCTION TO PROFESSIONAL RESPONSIBILITY AND THE REGULATION OF LAWYERS

8/19 What is the Legal Profession and Professional Responsibility?
   Readings: Lerman: pp. 733-49
   Law Governing Lawyers: pp. 6-10, 318

8/21 A "Self-Regulating Profession"/Reporting Misconduct
   Readings: Lerman: pp. 20-38; 96-114, Problem 2-1
   Law Governing Lawyers, Rules 5.1, 5.2, 5.3, 8.3

II. ELEMENTS OF AN ATTORNEY-CLIENT RELATIONSHIP

8/26 Scope, Competence, Communication and Fiduciary Duty
   Readings: Lerman, p. 266-276
   Law Governing Lawyers, Rules 1.1, 1.2, 1.3, 1.4, 1.16; § 14 of the Restatement of the Law Governing Lawyers (pp. 177-179)

8/28 Introduction: The Ethical Duty of Confidentiality
   Readings: Lerman, pp. 152-164; 205-211, Problems 3-1, 3-2
   Law Governing Lawyers, Rule 1.6

9/2 The Ethical Duty of Confidentiality (continued)
   Readings: Lerman, pp. 164-196
   Law Governing Lawyers, Rule 1.6
9/4 Confidentiality (continued)/Attorney Client-Privilege
   Readings: Lerman, pp. 196-205; 216-227
   Law Governing Lawyers, Rule 1.13(a), (b), (c), (d), Comment [2]

9/9 Attorney-Client Privilege (Continued)
   Readings: Lerman, pp. 228-232; 239-250

9/11 Putting It All Together
   Readings: Lerman, 211-212
   “Secrecy – In Class Review Problem” (on TWEN)

III. THE ADVERSARY SYSTEM

9/16 Overview of the Adversary System and Lawyers’ “Professional Morality”
   Readings: Lerman, pp. 594-604; 667-669
   Law Governing Lawyers, Preamble, Comment [9]; Rule 1.3, Comment [1];
   Rules 3.1, 3.3, 3.4, 3.8, 4.4

9/18 The Client Perjury Problem and Witness Preparation
   Readings: Lerman, pp. 605-626; 629-633
   Law Governing Lawyers, Rules 3.3, 8.4
   Maryland Lawyers’ Rules of Professional Conduct 3.3 (on TWEN)

9/23 Communications with Lawyers and Third Persons
   Readings: Lerman, pp. 680-688; 692-708
   Cronin v. Eighth Judicial District (on TWEN)
   Law Governing Lawyers, Rules 4.2, 4.3

9/25 Negotiation Ethics/Alternative Dispute Resolution
   Readings: Lerman, pp. 689-694
   Law Governing Lawyers, Rules 4.1, 4.4(b), 2.4
   Excerpt from Rubinson, Client Counseling, Mediation, and Alternative
   Narratives of Dispute Resolution (on TWEN site)
   In class simulation

IV. CONFLICTS OF INTEREST

9/30 Introduction to Conflicts of Interest
   Readings: Lerman, pp. 352-374, Problem 6-1
   Law Governing Lawyers, Rules 1.7, 1.8, 1.9, 1.10

10/2 Concurrent Conflicts
   Readings: Lerman, 374-388; 393-396; 406-413
   Law Governing Lawyers, Rules 1.7, 1.8
10/7 Conflicts in Representing Organizations/Specific Practice Settings
   Readings: Lerman, pp. 396-404; 416-433
   Law Governing Lawyers, Rule 1.7, 1.10(a)

10/9 Successive Conflicts/Conflicts Review
   Readings: Lerman, pp. 435-459; 469-481
   Law Governing Lawyers, Rule 1.9

10/14 Midterm Examination

V. THE COUNSELING ROLE
10/16 Lawyer as Counselor/Attorney-Client Decisionmaking
   Readings: Lerman, pp. 240-269, Problem 4-6
   Law Governing Lawyers, Rules 1.2, 1.4, 1.14, 2.1

VI. THE FUNDING AND MARKETING OF LEGAL SERVICES
10/21 Midterm Examination/Lawyer as Counselor and Decision-making in Practice
   Readings: Lerman, pp. 303-320, 326-328, 334-340
   Rules 1.2, 1.4, 1.14, 2.1

10/23 Fee Regimes/Hourly Fees
   Readings: Lerman, pp. 486-527
   Law Governing Lawyers, Rule 1.5

10/28 Contingent Fees, Fee Splitting, and Regulating Lawyer’s Personal Interests
   Readings: Lerman, pp. 527-536; 543-561
   Law Governing Lawyers, Rules 1.5, 1.8(j), 5.4, 7.2(b)
   Maryland Rule 1.7, Comment [12] (on TWEN)

VII. THE DISTRIBUTION OF THE RESOURCES OF DISPUTE RESOLUTION
10/30 Marketing and Solicitation; Multijurisdictional and Multidisciplinary Practice
   Readings: Lerman, pp. 791-817
   Law Governing Lawyers, Rules 5.4, 5.5, 7.1-7.5

11/4 Introduction: Overlawyering and Underlawyering
   Readings: Excerpt from Rubinson, A Theory of Access to Justice (on TWEN)
   Lerman, pp. 820-845

11/6 Lay Lawyering and Subsidized Legal Services
   Readings: Lerman, pp. 865-874
   Law Governing Lawyers, Rule 5.5

11/11 Pro Bono
   Readings: Lerman, pp. 853-865
   Law Governing Lawyers, Rule 6.1
   Maryland Lawyers’ Rules of Professional Conduct 6.1 (on TWEN)
11/13 Admissions and the Disciplinary Process
Readings: Lerman, pp. 45-71
Law Governing Lawyers, Rule 8.1

11/18 Reserved

11/20 Review and Conclusion