

LAW 360: THE LEGAL PROFESSION

LAWYERS, ETHICS AND THE LAW

Course Information

Welcome to this course on The Legal Profession: Lawyers, Ethics, and the Law. I hope you enjoy the course and find the learning experiences you have here contribute in a positive way to your legal education.

I have four important points I want to cover at the start of this course.

First, the content of a course on lawyers, ethics and the law is quite expansive - the legal profession, its history in Canada and other jurisdictions, admission to the profession including good character concepts, the structure of a self-regulated profession in British Columbia and beyond including recent challenges to self regulation; significant changes in the profession (consider for example rules against sexual harassment added fairly recently, issues around diversity, moves to MDPs, and recent high profile conflict of interest rulings); ethics for lawyers including the relationships between professional ethics and personal values, the statutory and common law relevant to lawyers and legal ethics, and, importantly, how to spot and solve ethical problems to avoid being found guilty of professional misconduct. While the topics are very broad, the course will give you a chance not only to see the "big picture" of the legal profession and professional ethics but also to examine important areas in greater detail.

The course will provide an opportunity for you to choose an area of study in the legal profession that you find of most interest and to explore it in an Issues Paper. You also will have a chance to report on your work in class. In that way, the course coverage ought to be quite encompassing.

To provide even more coverage, I will be inviting several guests to class to talk with you about various aspects of their own work in "lawyers, ethics, and the law". It will be a chance to hear from individuals who have special knowledge and expertise in lawyers, ethics and the law from both theoretical and practical perspectives.

Finally, in the course I want to provide you with opportunities to imagine what it is like for a lawyer, whatever her or his field of endeavor, to face and answer critical

and challenging ethical questions. How are those decisions made in practice? Are there right and wrong responses? Can you always defer this decision-making to a benchler? Through several simulation exercises, you will develop an approach to help you enhance your competence in identifying and responding to ethical concerns in law.

Accordingly, while we cannot cover the entire field, you will learn a lot that will serve you well as you consider entering the legal profession.

Second, I wanted to remind you of several teaching principles that are important to me as a faculty member. I value highly in my teaching the Seven Principles for Good Practice in Legal Education (Institute for Law School Teaching, Gonzaga University Law School). These are the same principles endorsed by the American Association for Higher Education.

- Good Practice Encourages Student-Faculty Contact
- Good Practice Encourages Cooperation
- Good Practice Encourages Active Learning
- Good Practice Gives Prompt Feedback
- Good Practice Emphasizes Time on Task
- Good Practice Communicates High Expectations
- Good Practice Respects Diverse Talents and Ways of Learning

These principles consistently guide my approach to teaching in the Faculty of Law and in other educational settings where I am invited to participate as a teacher.

Accordingly, as is our Faculty policy, I have an "open door" policy and regularly discuss class matters with students in my office. I encourage my students to work collaboratively on their materials and assignments, both inside and outside the classroom. I recognize that adult students learn in different ways. I encourage active participation in class discussions, small group discussions, guest lectures, role-play exercises, video demonstrations, and other exercises. I provide opportunities for timely feedback on student learning during the course in my varied evaluation methods and through a good deal of one-on-one meetings in my smaller enrollment courses. I do not rely on three hour final exams in my evaluation of students in this course but utilize a series of assignments during the term. High expectations for student learning are the norm in our Faculty and I

encourage my students to be fully prepared for class, to participate in the learning process, and to excel in their studies. I am clear about the learning objectives I set for students.

The Faculty of Law also stresses legal education with a "critical, policy-oriented focus that sees law as a dynamic process that cannot be fully understood apart from its social, economic, political, historical, local, national, and international contexts" while, at the same time, emphasizing a "humane professionalism". I imbue my teaching with these goals -- learning law in context, developing critical perspectives, understanding the multidisciplinary contributions to law, valuing diversity and equity issues.

Third, I draw your attention to the course outline. The course outline gives you information about each of our classes this term -- date, topics to be covered and learning objectives plus a place for any preparatory notes or comments. The course outline will give you a more detailed look at the course on a class-by-class basis.

Finally, there is the Evaluation. There are three evaluation tasks.

- **Book Review/Commentary**

An essential part of Lawyers, Ethics and the Law is discovery. As you will find, particularly in your specifically chosen area of research in the course, there is a good amount of written material on the subject. Reading and comprehending these materials is a critical component of the learning for the course. Accordingly, I will ask you to read and review (see Book Review Notes following) a recent Canadian text by Woolley, Devlin, Cotter, and Law, *Lawyers' Ethics and Professional Regulation* 2008, Chps. 1, 4-11. (Omit for now Chps. 2,3,12)

The Book Review/Commentary is due no later than **4:00 p.m., Thursday, January 20, 2011**. The Book Review/Commentary counts for 20% of your final grade.

Book Review/Commentary Notes

1. For each chapter, please provide a 1 page executive summary of the learning points in the chapter. The executive summary should be in

your own words and provide the reader with a strong overview of the chapter's most important contents.

2. In each chapter, the authors pose questions under "Notes and Questions." Identify the question (with page number) that in your opinion would be the most difficult question for a law student to answer. Provide a first draft of your answer. (max. 1 page)

The Book Review is limited to 11 pages, font 12, double-spaced. Please use code names/numbers obtained from the front office. Hand in to front office. Late submissions receive minus 5% for each day or part day late.

- **Resolving an Ethical Problem**

Students will be divided into teams of 3. Each team, in consultation with the instructor, will be assigned a problem scenario. Each team must prepare an Office Memo re: solution to the ethical problem in the scenario following the memo format developed in the course. The Office Memo is **due** no later than **4:00 p.m. March 11, 2011**. The Office memo is limited to 5 pages, font 12, double-spaced. **Presentation** of Office Memo in class is required beginning **March 15, 2011**. The Office Memo prepared by the team and the team class presentation count for 40% of your final grade. Late submissions receive minus 5% for each day or part day late.

- **Issues in Lawyers, Ethics and the Law**

In consultation with your instructor, you will preliminarily identify/choose an appropriate research topic prior to January 20, 2011. You then will write an Issues Paper -- the format to be approved by the Instructor. The Issues Paper counts for 40% of your final grade and is limited to 10 pages, font 12, double-spaced. Hand in to Room 223. Issues Paper is due no later than **4pm April 7, 2011**. Late submissions receive minus 5% for each day or part day late.