

LAW 360: THE LEGAL PROFESSION

*** (Legal Ethics and Professionalism)**

Course Information

Welcome to this course on The Legal Profession recently renamed Legal Ethics and Professionalism. 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 scope of a course on legal ethics and professionalism 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 other jurisdictions including recent challenges to self regulation; significant changes in the profession (consider for example issues around diversity, moves to Multidisciplinary practices or MDPs, and recent high profile discipline 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. It will be a chance to hear from individuals who have special knowledge and expertise in legal ethics and professionalism 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 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

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 unless independent work is required. 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. Finally, there is the Evaluation. There are four evaluation tasks.

- **Book Review/Commentary**

An essential part of Legal Ethics and Professionalism is discovery through reading. 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 **12 noon, Friday, January 20, 2012**. 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. A reader of the executive summary would see the chapter's contents reinforcing these important learning points.
2. In each chapter, the authors pose questions under "Notes and Questions." Identify one question from Notes and Questions (with page number) from the book that in your opinion would be the most

difficult question for a law student not taking this course to answer.
Provide a first draft of your answer for them. (max. 1 page)

The Book Review is limited to 10 pages (9 chapters, 1 question), font 12, double-spaced, normal margins. Please use code names/numbers obtained from the front office. Hand in to front office.

**Late submissions receive minus 5marks for each day or part day late.

- **Resolving an Ethical Problem**

Students will be divided into teams. Each team, in consultation with the instructor and based in part on the reading results, will be assigned a problem scenario. Each team must prepare a digital demonstration introducing the problem scenario, an Office Memo re: lawyer reaction to the ethical problem(s) in the scenario. The Office memo must follow the memo format developed in the course. The Office Memo is due no later than **4:00 p.m. March 22, 2012**. No codenames. The Office memo is limited to 5 pages, font 12, double-spaced, normal margins. **Presentation** of the digital media, and class presentation is required beginning **March 26, 2012**. The digital presentation, Office Memo, and class presentation count for 30% of your final grade.

**Late submissions receive minus 5marks for each day or part day late.

- **Issues in Legal Ethics and Professionalism**

In consultation with your instructor, you will preliminarily identify/choose an appropriate ethics and professionalism topic not specifically covered in the course prior to January 20, 2012. You then will prepare a Power Point Presentation supported by a written Topic Summary of your topic -- the format to be approved by the Instructor. The Power Point Presentation and Topic Summary count for 30% of your final grade. The Topic Summary is limited to 2 pages, font 12, double-spaced, normal margins. Final Power Point Presentation and Written Topic Summary are due **April 5, 2012**.

**Late submissions receive minus 5 marks for each day or part day late.

*****Class Participation**

Based on your attendance and the quality not quantity of your contributions to all class activities, Class Participation will count for 20% of your final grade.

