

**COLLEGE OF SOUTHERN NEVADA  
BUSINESS ADMINISTRATION DEPARTMENT  
COURSE SYLLABUS  
FALL 2010**

**COURSE NO:** LAW 263

**COURSE TITLE:** Ethics

**Credits:** 3 credits

**Location:** C227@ West Charleston Campus

**Day/Time:** Tuesdays 6:00 PM - 8:50 PM

**Prerequisites:** None

**Required Text:** Ethics and Professional Responsibility for Paralegals, Fifth Edition,  
Cannon, Therese A.

**ISBN:** 0-7355-2904-3

**INSTRUCTOR:** Professor Patrick W. Lindemann

**OFFICE:** C250P, West Charleston Campus

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**OFFICE HOURS:** 4:30 PM – 6:00 PM Tuesdays, Wednesdays, Thursdays  
8:00 AM-8:30 AM Saturdays  
Appointments available upon request

**COURSE DESCRIPTION:** Covers the relationship between the court, attorney, client and legal assistant. Discusses what a legal assistant may and may not do. Also discusses conflicts of interest, dealing with witnesses and adverse parties and confidentiality.

**OBJECTIVES:**

1. Students will be introduced to the various ethical issues they will encounter working in the legal profession.
2. Students will understand the Rules of Professional Conduct developed by the American Bar Association and adopted by Nevada for lawyers and paralegals.
3. Students will learn the guidelines promulgated by the various professional paralegal associations for the utilization and employment of non-lawyer assistants.

**INSTRUCTIONAL METHODS:** Lectures, class discussion, internet research, case briefs, case studies

**GRADING POLICY:** Grades will be based on the successful completion of a case brief or ethics opinion summary that is presented to the class, a midterm and final examination, and take-home case studies. The point breakdown is listed below:

Case Brief	25 points
Midterm Examination	100 points
Ethics Case Studies	100 points
Final Examination	100 points
Attendance/Participation	<u>25 points</u>
Total Possible Points	350 points

\*Class participation is required of all students. Class participation is defined as students being randomly called upon by the instructor and providing an answer that shows the student has read the assigned material.

**GRADING STANDARD:**

350-305 points	A
304-280 points	B
279-245 points	C
244-210 points	D
209 points- below	F

NOTE: This instructor does not use the Plus(+) and Minus (-) in the grading scale.

**PRACTICAL ASSIGNMENTS:** Students will be required to present one case brief or ethics opinion summary orally to the class. Students will also be required to read the Nevada rules of professional conduct from the Nevada State Bar website and research Nevada ethics opinions. Finally, students will be provided with 2 take-home comprehensive fact scenarios (case studies) that involve multiple ethical issues. In this assignment, students will be expected to provide a written analysis that identifies all the potential ethical violations, citing the Nevada Rules of Professional Conduct that have allegedly been violated and to explain how the facts establish the alleged ethical violations.

**INSTRUCTOR POLICIES ON LATE ASSIGNMENTS AND/OR MAKEUP**

**WORK:** All tests/assignments are due on the date assigned. Assignments/Tests may be made up or accepted after the date of the class period that the test or assignment was due if approved by the instructor, but the student will receive at least one grade lower. If a student fails to complete the assignment or exam on the scheduled due date, the student

MUST notify the instructor within 48 hours of the assignment or exam explaining the reason for the absence and to schedule a makeup date. Students must complete the makeup assignment or exam within one week of the originally scheduled assignment or exam or the student will not be given credit for the assignment or exam.

### **COURSE CONTENT WITH TIME ALLOCATION:**

August 31, 2010	Introduction
September 7, 2010	Chapter 1
September 14, 2010	Chapter 2
September 21, 2010	Chapter 3
September 28, 2010	Chapter 4
October 5, 2010	Chapter 5
October 12, 2010	Midterm Review
October 19, 2010	<b>Midterm Examination</b>
October 26, 2010	Chapter 6
November 2, 2010	Class Case/Ethics Opinion Presentations
November 9, 2010	Class Case/Ethics Opinion Presentations
November 16, 2010	Chapter 7
November 23, 2010	Chapters 8, 9
November 30, 2010	Chapter 10/Case Studies Due
December 7, 2010	Final Exam Review
December 14, 2010	<b>Final Examination</b>

### **NOTE: WRITTEN CASE STUDIES DUE ON NOVEMBER 30, 2010**

Week 1: (August 31<sup>st</sup>) Class introductions, Course overview, Review of Syllabus, General discussion of legal ethics 3 hours

Week 2: (September 7<sup>th</sup>) Provide basic background on the regulation of lawyers; the inherent power of the courts over the practice of law; the organized bar's participation in lawyer regulation; the role of the legislature and statutes in governing the conduct of lawyers; the American Bar Association and its influence over legal ethics; sanctions for lawyer misconduct 3 hours

Week 3: (September 14<sup>th</sup>) Regulation of paralegals and ethics guidelines for paralegals; the evolution and growth of the paralegal profession; ABA's involvement in the paralegal field; development and role of professional paralegal associations; past and present efforts to regulate paralegals; distinctions between certification, licensing, and limited licensing; liability of paralegals as agents of attorneys; state and ABA guidelines on the

utilization of paralegal services; ethics guidelines promulgated by paralegal associations.  
Review of the canons of ethics for legal assistants 3 hours

Week 4: (September 21<sup>st</sup>) Unauthorized practice of law; history of unauthorized practice of law; definitions of the practice of law; effect of restrictions on the practice of law on access to legal services; the attorney's ethical responsibility to prevent the unauthorized practice of law and to supervise paralegals; key areas of concern to paralegals in the unauthorized practice of law area, including court appearances, giving legal advice, accepting cases and setting fees, functions that may or may not constitute the practice of law, disclosure of the paralegal's nonlawyer status, paralegals working as independent contractors 3 hours

Week 5: (September 28<sup>th</sup>) Confidentiality and the attorney-client privilege; the foundations and basic principles of confidentiality; the attorney-client privilege and the difference between the evidentiary privilege and the ethics rules on confidentiality; what information is privileged or protected by the rule of confidentiality; how and when the privilege and the duty of confidentiality may be broken or waived; the work products rule; how the principles and rules of confidentiality come into play for paralegals in practice; how to protect confidentiality of information and records; special problems in maintaining confidentiality with technology 3 hours

Week 6: (October 5<sup>th</sup>) Conflicts of interest; the rules governing simultaneous and successive representation and their application to paralegals; special conflict situations and their application to paralegals (being called as a witness, business transactions with clients, financial assistance to clients, gifts from clients, lawyer's interest in litigation, agreements with clients limiting lawyer malpractice liability, payment of attorney's fees by third persons, conflicts involving family members or relatives); disqualifications caused by conflicts of interest that are imputed to a firm; screens to protect disqualification; conflicts checks and a paralegal's responsibility to maintain records 3 hours

Week 7: (October 12<sup>th</sup>) MIDTERM EXAMINATION REVIEW 3 hours

Week 8: (October 19<sup>th</sup>) MIDTERM EXAMINATION 3 hours

Week 9: (October 26<sup>th</sup>) Advertising and Solicitation; review of key U.S. Supreme Court cases on the regulation of advertising and solicitation; current state of legal advertising and marketing, review of Nevada rules on advertising and solicitation; ethics rule governing advertising; application of rules to paralegals; ethics rules prohibiting

direct solicitation of clients; application of limits on solicitation to paralegals; advertising and solicitation on the Internet 3 hours

Week 10: (November 2<sup>nd</sup>) Class Case Briefs. Students are required to do internet research and find a court case or a state bar ethical opinion involving an ethical violation, provide a written brief of the case and present it to the class. Class discussion of presented cases 3 hours

Week 11: (November 9<sup>th</sup>) Class Case Briefs continued 3 hours

Week 12: (November 16<sup>th</sup>) Fees and client funds; various kinds of fee arrangements made with clients, including fixed fees, contingency fees, and hourly rates; alternative fee arrangements; factors considered in determining if fees are unethically excessive; billing practices and abuses; fee agreements with clients; fee splitting and referral fees; ethics rule prohibiting lawyers from entering into partnerships with paralegals; duties in handling client funds and client trust accounts 3 hours

Week 13: (November 23<sup>rd</sup>) Competence; definitions of lawyer and paralegal competence; key components of paralegal competence, including knowledge, skill, thoroughness and preparation; diligence and promptness, and communication with clients; sanctions for incompetence, including disciplinary actions and malpractice suits; trends in malpractice, including the growth in claims and in third-party actions against lawyers; common dilemmas confronting paralegals in the area of competence, including those related to delegation, supervision, and attorney review of work; factors in the work environment that affect competence Professionalism; where paralegals “fit” in the legal profession; definitions of professionalism for paralegals; elements of professionalism; regulation of the paralegal profession; title and definition of legal assistant/paralegal; full utilization of paralegals; gender and bias issues; paralegal participation in pro bono activities 3 hours

Week 14: (November 30<sup>th</sup>) Role of the attorney and paralegal in litigation; the duty to represent clients zealously and competing duties; rules prohibiting unmeritorious claims, delay, and abuse of discovery; disruptive courtroom tactics; sanctions for ethics violations before courts, including contempt; duties of candor and honesty; prohibited relationships and communications with judges; contact with jurors; restriction on contact with represented parties and unrepresented persons; contact with witnesses; rules on trial publicity; special rules for prosecutors and their paralegals ; Case Study Review 3 hours

Week 15: (December 7<sup>th</sup>) Final Examination Review 3 hours

<u>Week 16:</u> (December 14 <sup>th</sup> ) FINAL EXAMINATION	3 hours
Total	48 hours

**EXTRA CREDIT:** None

**ATTENDANCE POLICY:** Students are responsible for all course work whether in class or absent. Attendance in this class is critical; therefore **three** or more absences from class will lower a student's grade one letter grade. Excessive tardiness or leaving early will have a negative impact on a student's grade.

**TUTORIAL SERVICES:** Students are entitled to 12 hours free tutoring per semester. For appointments call 651-4232 (Cheyenne), 651-5732 (Charleston), and 651-3125 (Henderson).

**ACADEMIC INTEGRITY POLICY:** Scholastic dishonesty will not be tolerated and will be prosecuted to the fullest extent. You are expected to have read and understood the current issue of the student handbook (published by Student Services) regarding student responsibilities and rights, and the intellectual property policy, for information about procedures and about what constitutes acceptable on-campus behavior.

**ADA STATEMENT (DISABILITY RESOURCE CENTER):** If you have a documented disability that may require assistance, you will need to contact the Disability Resource Center (DRC) located in the Student Service Center on each campus. The DRC can be contacted at the following numbers: Cheyenne Campus (651-4045), Henderson (651-3795), and West Charleston (651-5644). For those students that would like to earn some additional income, stop by the Disability Resource Center to fill out a job interest card. The DRC hires students as note takers, readers, proctors, lab assistants, and research assistants as needed.

**SAFETY PROCEDURES:** Approved classroom safety procedures are posted in each classroom and are to be followed.

**DISRUPTIVE AND ABUSIVE BEHAVIOR:** Students are expected to conduct themselves in a professional manner in the classroom and on campus at all times. Disruptive and abusive conduct will not be tolerated. Students who fail to adhere to behavioral standards may be subject to discipline per CSN's Disruptive and Abusive Student policy. Examples of disruptive behavior include: repeated side conversation in

the classroom, consistently arriving to class late or consistently leaving class early, repeated emotional outbursts in class, exchange of personal insults between students in class or through electronic media, fighting words exchanged among students in class or through electronic media or physical altercations between students. A copy of the complete Student Conduct Code and Disruptive and Abusive Student Policy is available for review on the CSN web page under the Student Affairs link or the Policies and Procedures link under “Quick Links” or “Administration.”

**FINAL REMARKS:** If you must have a cellular phone, please set it on the “vibrate” mode. Unless it is an emergency, students are expected not to answer their cell phones during class.

Any information contained in this syllabus, other than the Academic Integrity Policy and the ADA statement, may be subject to change with advance notice, as deemed appropriate by the instructor.