



INDIANA UNIVERSITY

MAURER SCHOOL OF LAW
Bloomington

The Legal Profession (B614) Professor Henderson (Spring 2024)

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Office Hrs: Mon/Tues at 4:30-5:30 pm
and by appointment

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1. Required Course Materials

- Deborah L. Rhode, David Luban, Nora Engstrom, & Scott L. Cummings, *Legal Ethics* (8th ed. 2020).
- ABA Model Rules of Professional Responsibility (“MR”) [posted on Canvas]. Print out for use in class.
- Additional materials posted on Canvas

2. Course Objectives

This course satisfies the ABA accreditation requirement for a course in professional responsibility.¹ It also includes substantial additional material related to your professional development as a lawyer, particularly one entering the rapidly changing legal industry of the early 21st century. Below are the primary course objectives:

- **Law of Lawyering.** Ability to spot and analyze legal ethics issues in a complex fact pattern.
- **Teamwork.** Learn the theory of effective teamwork; practice theory in a realistic group setting; develop the ability to explain effective teamwork principles to others.
- **Theory of Professional Development.** Develop an explicit theory of professional development that you are likely to follow.
- **Fromm Six.** Learn these six competencies; grow and develop these competencies through practice and reflection.
- **Accurate Self-Assessment.** Identify and tap into reliable sources of feedback to more accurately assess your abilities and performance.
- **Industry Knowledge.** Understand how the legal industry is changing; grasp how these changes affect you, your peers, and your future clients.

The course objectives are designed to help you build a successful career along the many paths open to you as a law school graduate. What you take out of this course is directly proportional to what you put in. Don’t shortchange yourself through lackluster effort.

¹ See ABA Accreditation Standard 303(a)(1) (requiring law school course “that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members”).

3. How Class is Structured and Organized

Weekly assignments. Assignments for the class are posted on Canvas and are organized by week. The purpose of weekly assignments is to enable students to plan their schedule yet provide the instructor with sufficient flexibility to meet course objectives, usually by going deeper into certain parts of the assignment readings.

Attendance and Class Preparation. This course requires regular attendance and preparation. Each class includes a sign-in for attendance. Please get to class on time to ensure you receive credit for the day. Although attendance and preparation are very important, it is also very difficult to be well prepared for every class, every day, while fulfilling requirements for other courses, extra-curricular activities, and attending to personal matters. To enable students to make reasonable trade-offs, each student is allotted a combined total of six absences and passes. If you are unprepared and want to attend class, you can take a "pass" by emailing me (wihender@indiana.edu) at least one hour before class. Please put "can't be on call in Legal Professions" in the subject header.

NB: You will automatically lose class participation points if you are called on and unprepared.² More than six combined absences and passes will also result in an automatic one-point reduction per class. That said, students with health and family circumstances will be given accommodations that fully prioritize health and family, including additional passes and excused absences. The arbiter in these cases is the Dean of Students.

Quizzes. I will give short in-class quizzes at various points throughout the semester using Top Hat or a similar technology. In most cases, this will be done at the end of a unit or subunit to reinforce key materials and concepts. Although you are free to reference the casebook or your notes—and discuss answers with peers seated nearby—time will be short. Thus, the best strategy is to stay fully engaged in the materials all semester. Your percentage correct will be divided by 85%, which means that students receiving > 85% total correct for the semester will receive the full 10 points.

Teamwork / Practice Groups. In this class, you will be placed into Practice Groups and work together as a team. Over the semester, you will be given six team assignments of varying levels of complexity plus one final problem set. The group performance determines 10% of your grade; your individual performance as a team member determines another 10%. Therefore, I cannot emphasize this enough – treat your team as your client. This means that, with only a few possible exceptions, the team's needs and preferences come first. You will not regret your decision to organize and conduct yourself this way. In addition to an excellent teamwork grade, students who excel at the teamwork component of this course tend to score better on other aspects, including the blind-graded final exam.

360 Reviews. This course includes two 360 peer reviews during the semester. Both are administered to members of your Practice Group. The first 360 review is sent out in March (right

² The curve in this class is extremely tight. Therefore, loss of any class participation points could easily drop your grade by one increment (e.g., from B+ to B, or B- to C+).

before spring break) and contains 18 scales based on the Fromm Six (our competency model). This tool is designed to be “formative,” which means your scores do not affect your grade in the class. To receive full credit, all that is needed is a good faith completion of feedback for your peers.

The second 360 review is “summative,” which means it is used to help determine your teamwork grade. Note that students will not have access to this feedback. However, you should know how it works: The summative review only solicits positive feedback; students who accumulate more positive, specific feedback from peers—and also provide more complete feedback on others—will do better. Much of this feedback is included in “exceptional team worker” letters every year. See Section 5. In years past, 60-75% of students have earned such a letter. Again, treat your team like your client.

Final Exam. The final will occur on May 3 from 8 am to 12 noon. The exam will be a two-question essay format (identical to prior years). The first question will be a traditional legal ethics issue-spotter. Three potential second questions with a policy/industry analysis orientation will be circulated in advance during the last week of class, but only one will appear on the actual final. Students are free to discuss these questions among themselves.

4. Grades

Assignment	Total Points
Class Participation Regular attendance and preparation are required for full credit (33 of 39 classes)	10
Quizzes 85% raw score scaled to 100%	10
Team Assignments Every member of every team gets the same grade)	10
Teamwork Based on observation, 360 feedback, providing complete feedback to peers. Possible for entire team to earn an “A” on teamwork.	10
Final Exam	60
Total	100

5. Exceptional teamworker letters

If you perform exceptional work within their teams, you will receive an exceptional teamworker letter, containing extensive feedback from your peers. A copy of this letter will also be submitted to the Recorder for inclusion in your permanent student record. This letter is very useful to share with prospective employers. Students who earn this letter can use me as a reference, as excellent peer reviews are a strong indicator of future success. In a typical year, more than half the class qualifies for an exceptional teamworker letter. If you want to increase your odds of receiving this letter, treat their team like your client.

6. University Policies

The Maurer School of Law is committed to providing all students a positive and supportive learning environment. Specific guidance about [disability accommodation](#), [religious observances](#), [bias-incident reporting](#), and [sexual misconduct and Title IX](#) is available online. Should you have questions, please reach out to the Leonard D. Fromm Office for Student Affairs at 812-855-4809 or at lawosa@indiana.edu.

7. Tentative Reading Schedule

Class	Date	Assignment	Rules	Final Exam
Introduction to course				
1	10-Jan	<i>Ethics, morality, and the legal profession</i> , pp. 13-20	Preamble	Q1, Q2
2	16-Jan	<i>Modern Legal Marketplace</i> (PDF on Canvas)	5.4, 5.5, 5.6	Q2
3	17-Jan	<i>Personal Theory of Development / Fromm Six / Belbin</i> (PDFs on Canvas)		Q2
Attorney-Client Relationship (ACR)				
4	22-Jan	<i>Formation of ACR</i> , CB pp. 171-179, including Problem 1	1.18	Q1
5	23-Jan	<i>Competence and communication</i> , CB pp. 179-190	1.1, 1.3, 1.4	Q1
6	24-Jan	Work in teams on Team Assignment #2 (Team Charter)		Q2
7	29-Jan	<i>Allocation of decision-making authority</i> , CB pp. 190-198 (thru note 3)	1.2	Q1
8	30-Jan	<i>Lawyer Paternalism</i> , CB 200-213, including Problem 2, skim 213-220	1.0, 1.2, 1.4, 1.6, 1.14, 2.1	Q1
9	31-Jan	<i>Sophisticated Clients</i> , CB 245-47, including Problems 4 & 5	1.2(a), 1.4, 1.16, 2.1, 8.4	Q1, Q2
10	5-Feb	<i>Termination and Withdrawal</i> , CB 247-257, including Problem 6	1.1, 1.2(a), 1.6, 1.16	Q1
Confidentiality				
11	6-Feb	<i>Attorney Client Privilege</i> , CB 259-271, including Problem 1 and beginning of subsection B	1.6, 3.8, 8.4	Q1

Class	Date	Assignment	Rules	Final Exam
12	7-Feb	<i>Crime-Fraud Exception</i> , CB 275-284, including Problem 2	1.6	Q1
13	12-Feb	AC Privilege, Confidentiality with Organizational Clients, CB 288-294, 299-302	1.13, 4.2	Q1
14	13-Feb	<i>Ethical Duty of Confidentiality</i> , CB 305-313	1.6	Q1
15	14-Feb	<i>Exceptions to the Duty of Confidentiality</i> , CB 313-324	1.2, 1.6, 1.16	Q1
16	19-Feb	<i>Disclosure under Rule 1.13 and Final Problems</i> , CB 327-333	1.2, 1.6, 1.16, 3.3, 3.4, 4.1	Q1
17	20-Feb	Catch-on Confidentiality and AC Privilege		Q1
18	21-Feb	Review, Quiz 1		
Conflicts of Interest				
19	26-Feb	<i>Introduction, Concurrent Conflicts</i> , CB 479-491	1.7	Q1
20	27-Feb	<i>Concurrent Conflicts in Specific Practice Settings</i> , CB 491-502	1.7, 1.8	Q1
21	28-Feb	<i>Your Own Internal Conflict</i> , Positively Conflicted Book Review (on Canvas) (Sam Ardery, Guest Lecturer)	2.4	Q2
22 ³	2-Mar	<i>Concurrent Conflicts, Imputation</i> , CB 506-515, <i>Conflicts Involving Former Clients</i> , CB 515-523.	1.6, 1.7, 1.9, 1.10, 1.11	Q1
23	4-Mar	<i>Conflicts in Large Law Firm Practice</i> , CB 527-537, including Problems 3, 4, & 5	1.6, 1.7, 1.9, 1.10, 1.16	Q1
24	5-Mar	Work in teams on Team Assignment #5 (Munger-Prosecutor)		Q2
25	6-Mar	Guest Lecturer, Jeff Carr, retired GC of two Fortune 500 companies (readings on Canvas)		Q2
26	18-Mar	<i>Prospective Clients, Lawyer-Client Conflicts</i> , CB 545-549, 559-565, including Problem 8	1.2(a), 1.4, 1.6(b)(1), 2.1, Preamble	Q1, Q2
27	19-Mar	<i>Aggregate Settlements and Transactions with Clients</i> , CB 568-577, including Problems 10 & 11	1.2(a), 1.5, 1.7, 1.8, 1.16, 2.1, 5.6(b)	Q1

³ There is a total solar eclipse taking place on April 8. As such, the University has canceled classes. Faculty and students, however, are required to make up the class time. Hence, this class is on Saturday, March 2.

Class	Date	Assignment	Rules	Final Exam
28	20-Mar	360 Peer Review Results; its connection to your Theory of Professional Development		Q2
29	25-Mar	Review, Quiz 2		Q1
Ethics in Context				
30	25-Mar	<i>Counseling your Corporate Client</i> , CB 607-610, 620-622, including Problem 2	1.2, 1.4, 1.13, 2.1, 8.4	Q1, Q2
31	27-Mar	<i>Navigating the Adversarial System</i> , CB 121-132, including Problem 1	1.2, 1.3, 1.4, 4.4, 8.4	Q1, Q2
32	1-Apr	<i>Adversarial Abuses</i> , CB 335-41 (through note 4), 345-353, including Problems 2 & 3	3.1. 3.4, 5.2, 8.4(g)	Q1, Q2
33	2-Apr	<i>Discovery Abuses</i> , CB 353-363, including Problem 4	3.4. 5.1, 5.2	Q1, Q2
34	3-Apr	Review, Quiz 3		Q1
Charting your Individual and Collective Future				
35	9-Apr	Work in Teams on Final Presentations		Q2
36	10-Apr	Team Presentations		Q1, Q2
37	15-Apr	Husch Blackwell's retooling of the Cravath associate training model (Joanna Penn, IU Law '13, guest speaker) (readings on Canvas)		Q2
38	16-Apr	Data, Diversity, and Decision Making (Evan Parker, guest speaker) (readings on Canvas)		Q2
39	17-Apr	Guest Speaker, Aaron Johnson (IU Law '05), General Counsel for the Indiana Supreme Court (no reading)		Q2