

# ETHICS (LAW) (EHGL)

## EHGL 0169. Positive Lawyering for Peak Performance. (2 Credits)

This course focuses on how developments in positive psychology (the science of what makes people and institutions flourish) can be leveraged to produce peak performance lawyering. We will begin by exploring the research surrounding lawyer well-being and performance, and how certain cognitive and behavioral patterns that are pervasive in the legal profession prevent many lawyers from being as happy, healthy, or successful as they could be. The balance of the course will focus on equipping students with a toolkit of science-backed skills and strategies they can use to counteract these maladaptive thought and behavioral patterns in order to achieve greater satisfaction in their personal and professional lives. Topics will include resilience, character strengths, social and emotional intelligence, the power of positive emotions, high-quality connections, creativity, mindfulness, and self-awareness. Permission by instructor required. APPLY BY OCTOBER 26: <https://forms.gle/SteHcv6UCLg25uf76>.

**Attribute:** LLM.

## EHGL 0178. Professionalism in U.S. Legal Culture. (1 Credit)

This course, designed for international law students, will provide insights into some of the prevalent aspects and norms of professionalism in the context of the U.S. legal profession—an understanding of how to nurture and develop a robust and sustainable professional persona, how to engage in cross-border intelligence and negotiation, diversity in the legal profession, law firm culture, and the role of lawyers as counselors and as leaders. The course will feature conversations with several prominent guest speakers and will end with an open discussion of the issues addressed in the seminar.

## EHGL 0199. Art of In-House Counsel. (2 Credits)

The role of in-house counsel is fundamental to the success of an organization. The Art of the In-House Counsel will introduce you to the expanding opportunities in corporate legal departments and explore how the in-house lawyer applies legal principles to business realities to advise the corporation. <p> Throughout this course, students will engage in hypothetical issues with fictitious corporate actors who are dealing with business challenges. Students will be challenged to act as the company's in-house legal team and provide legal advice, counsel and risk mitigation strategies through a variety of simulations that will give you a sense of the varied pivotal nature of the practice. <p> We will begin the class by understanding the types of in-house legal departments and roles there are within, the ethical obligations of the in-house lawyer including attorney client privilege and legal leadership in areas of governance and compliance. Next applying this basis we will engage in a number of real life experiences including corporate transaction negotiations, dealing with a litigation, company regulatory challenges, a data privacy breach, and a start-up company simulation. <p> This course emphasizes experiential learning to develop lawyers who are effective in using legal knowledge to apply an innovative approach to giving legal advice. <p> This class will be helpful not just to the aspiring in-house lawyer but to those who plan on externally representing a corporation. By learning the challenges and demands corporate lawyers are dealing with, students will become better outside legal advisors. <p> The goals of the class are to:<br> 1. Create an understanding of the professional opportunities available inside corporations.<br> 2. Provide engaging, challenging simulations to replicate the work done by in-house lawyers.<br> 3. Expose students to the various bodies of substantive law that affect corporations.<br> 4. Introduce students to the application of judgment and risk mitigation.

**Attributes:** CRCP, LAWB, LAWI.

## EHGL 0203. Professional Responsibility. (3 Credits)

Professor Fouad, Spring 2024:<br> Professional Responsibility — The Law of Lawyering — explores the rules, laws, and principles governing lawyer conduct. We focus on ethical, legal, and practical problems that attorneys face daily. Topics include: unauthorized practice of law; bar admission and discipline; legal malpractice; attorney exposure to third-party civil actions and criminal liability; ineffective assistance of counsel; undertaking and declining representation; duties to prospective, current, and former clients, third-parties, opposing and counterparty counsel, and the courts; attorney advertising and client solicitation; attorney conduct in litigation, transactions, government service, and otherwise. The course utilizes caselaw excerpts, the MR, select state RPC, ethics opinions from various jurisdictions, the Restatement, and other standards governing lawyer conduct. The role of lawyers in shaping our society and judicial system is centered, particularly as concerns racism, wealthism, and political influence in tipping the scales of justice. We will also look at compelling current issues implicating the law of lawyering including politicization of law enforcement, prosecution of current and former elected officials, Guantanamo Bay trial architecture and origins, Supreme Court ethics issues, and other topical subjects within the law-of-lawyering rubric. <p> Professor Green Spring 2022 Section: Professional Responsibility explores the regulation of lawyers and the legal profession. This includes the rules and law governing lawyers; mechanisms for enforcing the rules and law; and how lawyers make decisions about their professional conduct within the bounds of the applicable rules and law. Topics include the law governing the lawyer-client relationship (e.g., competence, confidentiality, conflicts of interest); the rules and law governing lawyers' role in advocacy, counseling and transactions; and the law governing lawyers' business role (e.g., billing and marketing). In-class discussion will principally be devoted to readings on these and other topics in the case book, Jefferson, et al., Professional Responsibility: A Contemporary Approach. Additionally, students will give in-class presentations on subjects not covered by the assigned readings. There is a three-hour, closed-book exam. <p> Professor Pearce Spring 2022 Section: Hybrid Professional Responsibility explores the rules and law governing lawyers, the way lawyers find meaning in their work, and the role of lawyers in society. This course covers the major doctrinal topics that you will need to practice as an ethical lawyer and that you will encounter on the Multistate Professional Responsibility Exam. These topics include unauthorized practice of law, the lawyer-client relationship, finding and billing clients, confidentiality, conflicts of interest, and duties to the legal system, as well as prosecutorial and judicial ethics. The course also introduces professionalism, debates regarding the proper role of the lawyer, technological and global developments in the regulation of legal services, current ethical issues, and wellness as an ethical responsibility. In addition to meeting for one synchronous session each week, you will have asynchronous assignments that are the equivalent of an additional class session. These online assignments consist of short video lectures and the problems in the Casebook, many of which are written in the style of the MPRE. The synchronous session will use hypotheticals, role plays, and simulations to explore issues in greater depth, as well as to offer you an opportunity to review materials you found difficult.

**Attributes:** JD, LAWI, LWPR.

**EHGL 0208. Prof Resp: Corp Counsel. (3 Credits)**

Professional responsibility for corporate counsel is a course designed for students who will likely represent public companies, either as outside counsel or as inside counsel. The ethics issues facing such lawyers are very daunting and are growing ever more complex. And the risks to such lawyers include not just violating the ethics rules governing lawyers, but also exposure to sanctions by a myriad of regulators, as well as exposure to money damage law suits. In many circumstances there are no easy answers, as different jurisdictions approach a number of situations differently. As such, law students about to join the profession need to be aware of these problems and how best to address them.

**Attributes:** CEED, CETH, LAWB, LLM, LWPR.

**EHGL 0209. Professional Responsibility: Criminal Advocacy. (3 Credits)**

This seminar focuses on the ethical responsibilities of prosecutors and criminal defense lawyers. Topics include the allocation of decision-making authority, the duty of confidentiality and its limits, conflicts of interests, and ethical responsibilities in the investigation and trial of criminal cases. While focusing on the codified standards of professional conduct and other aspects of the law of lawyering, the seminar will also explore the relationship between the Constitution and professional conduct rules as well as how problems left unresolved by those rules ought to be addressed. A paper will be required. Enrollment is limited. Notes/Miscellaneous: This course satisfies the Professional Responsibility Requirement but may NOT be used to satisfy the Writing Requirement.

**Attributes:** CEED, CETH, INLJ, LIDR, LWPR.

**EHGL 0213. Prof Resp: Civil Litigation. (3 Credits)**

This is a seminar on professional responsibility with a particular emphasis on ethical problems of interest to civil litigators. The text is Morgan, Rotunda & Dzienkowski, *Professional Responsibility: Problems and Materials*, Twelfth Edition (Foundation Press). We will use the ABA Model Rules of Professional Conduct, and supplemented by reference to the New York Rules of Professional Conduct. Our class discussions will examine the fundamentals of the attorney-client relationship; basic duties to the client of competence, confidentiality, and loyalty; and conflicts of interest. We will also discuss the legal profession and what it means to be a professional. Specific litigation issues will include the ethical dimensions of settlement negotiations, discovery and evidence gathering and especially e-discovery (e.g., inadvertent disclosure of confidential information), ethical standards in commencing litigation, litigation tactics, and client and witness perjury, interviewing and coaching. We will review the evolving ethical issues arising out of attorney's use of social media. We expect to have guest speakers from time-to-time. This is a collaborative seminar, not a lecture course, and active course participation is expected. This is a three credit course.

**Attributes:** CEED, CETH, LIDR, LWPR.

**EHGL 0223. Professional Responsibility and the Legal Profession. (3 Credits)**

This course will teach students the Model Rules of Professional Conduct and other elements of the law that govern lawyers and expose students to the history and structure of the legal profession. We will consider gaps and ambiguities in how lawyers respond (and should respond) to legal uncertainty in the context of lawyers' practice in six settings: criminal law, law firms, corporations, government practice, public interest and legal services, and solo and small firms. Alongside doctrine, the course will draw from interdisciplinary perspectives in the social sciences to teach students about the ways in which lawyers' work and legal practice can impact society. While learning the doctrine and research on the legal profession, Students will engage with panels of lawyers from the six practice settings. The course will also address issues and problems that confront the profession, such as the legal services market and its regulation, the distribution of legal services, the profession's demographics and social structure, diversity and inclusion, and the implications of technology and globalization.

**Attributes:** JD, LLM, LWPR.

**EHGL 0226. Introduction to the United States Legal Profession. (2 or 3 Credits)**

This course is about the professional responsibility of U.S. lawyers and is specifically tailored for International LL.M. students. As such, the course is meant to provide a holistic introduction to some of the key professional responsibility aspects that a foreign law-trained lawyer should expect to consider when working in the U.S. or dealing with U.S. lawyers from abroad. Using a textbook, the ABA Model Rules of Professional Conduct, and the NY Rules of Professional Conduct, supplemented by pertinent cases and other materials, this course will examine the fundamental notions that govern the conduct of lawyers in relation to their clients, third parties and the courts. There will be an in-class, open-book exam.

**Attributes:** LLM, LWPR.

**EHGL 0260. Becoming a Lawyer: Discovering and Defining Your Professional Persona. (1 Credit)**

This seminar will explore various topics related to law practice and developing a robust and sustainable legal professional persona. The seminar will focus on three broad features of defining and developing a professional persona: (1) Building blocks—(un)conscious (in)competence, habit formation, intelligence for lawyers, and leadership (2) self-management (mindset and dispositions), time management and organization, and wellbeing and sustainability and (3) relationships—working with others, talent management, effective communication, and your public professional persona. The course will conclude with student presentations reflecting on what they learned in developing their professional persona over the course of seminar. Grades will be based on regular written assignments and student presentations. This course is open to LLM students only.

**Attribute:** LLM.

**EHGL 0299. Professional Responsibility: Lawyers and Justice Ethics in Public Interest Law. (3 Credits)**

In the context of lawyers who work primarily to promote social justice and the public good, this course explores the legal ethics rules, the role of the lawyer in society, and the intersection between legal ethics and political philosophy. The course will examine the standard assumption that actors in the legal system are capable of neutrality, including the belief that lawyers should be "neutral partisans" and that judges should be "neutral arbiters." Many, however, reject these perspectives. They argue that neutrality in the face of systemic white supremacy, racism, sexism, heterosexism, and transphobia only sustains inequality and oppression. These critiques, in turn, have generated conceptions of the lawyer's role and the rule of law that rely on a commitment to equal human dignity, and not neutrality. These approaches include feminist, antiracist, rebellious, LGBTQ+, religious, and law reform perspectives.

**Attributes:** CEED, CETH, INLJ, LWPR.

**EHGL 0305. Professional Identity Development for Lawyers. (2 Credits)**

This course is designed to support the transition from law school into the workplace. It will help students develop their own style and identity as practicing lawyers. <p> Learning Outcomes Students will engage with various philosophical, ethical and sociological constructs of the role of lawyers. Students will develop self-awareness with respect to their values, personality styles, strengths and development areas to use as a foundation in building their identity as a lawyer. Students will learn methods to enhance emotion regulation and increase tolerance for working under pressure and in an adversarial context. Students will develop soft skills to enhance their ability to manage clients and successfully interact with peers and managers.

**Attribute:** LLM.

**EHGL 0319. Prosecutors: Law, Politics, and Ethics. (2 Credits)****EHGL 0328. #Lawyering Up: Skills for Success in the Legal Profession - Beyond the Books. (2 Credits)**

This seminar course will use the book "Becoming a Lawyer: Discovering and Defining Your Professional Persona" to provide a practical guide to legal professionalism and examine the critical soft skills that are vital for 21st-century attorneys entering the profession. Students will engage in exercises, discussions with guest speakers, and team-building exercises to successfully navigate this emerging legal landscape.

**EHGL 0349. Prof Res: Alter Disp Res Ethic. (3 Credits)**

This course involves the study of the Model Rules of Professional Responsibility and the New York Rules of Professional Conduct with an emphasis on alternative dispute resolution (ADR). During the past 35 plus years, an ADR ethical infrastructure has both developed and undergone rapid and irregular growth. Critical and complex ethical and professional responsibility issues relating to various aspects of ADR processes are challenging the legal profession and policymakers because such issues do not fit neatly into pre-existing structures. Such issues include counseling and decision making, duty of candor, confidentiality, conflicts of interests, unauthorized practice of law, fees, advertising and others. This course will also discuss the ethical issues impacting ADR providers and non-legal neutrals.

**Attributes:** LIDR, LWPR.

**EHGL 0371. Public Interest Lawyer Adv Sem. (2 or 4 Credits)**

This seminar examines issues of law, practice and theory relating to the work of lawyers in public interest settings. The principal work of the seminar is fieldwork: Students in the seminar work in small groups with other seminar students on projects in conjunction with public interest organizations, with supervision from the seminar faculty and from attorneys at those organizations. Projects have included the development of: know-your-rights guides and trainings for members of the public reports and proposals for legislative or institutional reform pro bono manuals for attorneys and litigation strategy for briefs or campaigns. Seminar requirements include development of and collaboration on a project with classmates, ongoing presentations regarding the project, a final product for the organization, and an analytic paper based on the project. The seminar requires a substantial time commitment and a willingness to work in conjunction with other students and lawyers.

**Attributes:** EXP, JD, PIE.

**EHGL 0372. Public Interest Lawyering Advanced Casework. (2 Credits)****EHGL 0615. The Role of General Counsel: Counselor, Strategist and Manager. (2 Credits)**

What does it mean to be a General Counsel? What are the characteristics of a successful and effective General Counsel? This course will explore the role of a corporation's lead lawyer and the sometimes conflicting and disparate responsibilities that General Counsel perform as part of their daily legal practice. Subject areas will include the GC's role as counselor and advisor to the CEO and other C-Suite members, as well as the Board of Directors. In addition, the General Counsel's strategic involvement in the achievement of business objectives and innovations will be explored. Students will learn about the General Counsel's ethical obligations to the corporate client and the tensions and ambiguities that can arise in navigating those obligations. Finally, the course will also discuss the role of the General Counsel as an organizational leader and the primary executive managing the legal operation, with a focus on the hiring and development of attorneys and staff, the retention of outside counsel and the management of the legal department budget. Throughout the semester, leading current or former General Counsel from companies of different industries and sizes will share their experiences and perspectives about the topic of that week's session. <br>Paper/Project required .

**Attributes:** CRCP, LAWB, LLM.

**EHGL 0708. Peer Mentoring and Leadership. (1 to 2 Credits)**

The weekly 1 credit class will meet 1 hour with Professor Lockhart: <br> Students in this course will mentor 2L students. The weekly one-credit, one-hour class will focus on successful mentoring techniques and developing leadership skills, including emotional intelligence, team-building, grit, active listening, cognitive biases, giving and receiving feedback, effective communication, and achieving balance. Students will keep journals about their mentoring. Students will have budgets to spend with their mentees. <p> General 2 credit Description: <br> Students in this course will mentor 2L students. The weekly two credit two hour class will focus on successful mentoring techniques and developing leadership skills, including: emotional intelligence, team-building, grit, active listening, cognitive biases, giving and receiving feedback, effective communication, and achieving balance. Students will keep journals about their mentoring. Students will have budgets to spend with their mentees.

**EHGL 0807. Peer Mentorship 2D/2E. (0 Credits)**

Do you wish you had an upper-class student helping you to navigate law school? If you would like a 3L/4E student to meet with you on a regular basis as you navigate your 2L year, please register to be a peer mentee. Your mentor(s) will take you for coffee/lunch and check in with you throughout the semester. There is no class associated with this, but by registering, you will be assigned an upper-class mentor. Transfer students, students who faced challenges adjusting to law school, and students wanting more upper-class guidance are strongly encouraged to participate.

**EHGL H203. Professional Respon. Hybrid. (3 Credits)**

Hybrid Professional Responsibility explores the rules and law governing lawyers, the way lawyers find meaning in their work, and the role of lawyers in society. This course covers the major doctrinal topics that you will need to practice as an ethical lawyer and that you will encounter on the Multistate Professional Responsibility Exam. These topics include unauthorized practice of law, the lawyer-client relationship, finding and billing clients, confidentiality, conflicts of interest, and duties to the legal system, as well as prosecutorial and judicial ethics. The course also explores whether the dominant understandings of the roles of lawyers and judges facilitate White Supremacy, whether the traditional understanding of professionalism continues to provide a persuasive rationale for ethical conduct, which of the competing perspectives on the lawyer's role each student finds most persuasive for themselves, technological and global developments in the regulation of legal services, current ethical issues, and wellness as an ethical responsibility. In addition to meeting in person for one synchronous session each week, you will have asynchronous assignments that are the equivalent of an additional class session. These online assignments consist of short video lectures and the problems in the Casebook, many of which are written in the style of the MPRE. The synchronous session will use hypotheticals, role plays, and simulations to explore issues in greater depth, as well offer you an opportunity to review materials you found difficult. Each week consists of 1 session asynchronous and 1 session in person synchronous.

**Attributes:** CEED, CETH, JD, LWPR.