

**STUDENT COURSE OUTLINE
BERGEN COMMUNITY COLLEGE
LEGAL STUDIES DEPARTMENT
LGL-110 Legal Ethics**

CREDITS: 3 Credits

PRE-REQUISITE: None

COURSE DESCRIPTION: LGL-110 Legal Ethics is a survey course dedicated to the analysis and application of New Jersey Legal Ethics Issues. Emphasis is placed on understanding New Jersey Rules of Professional Responsibility, New Jersey Supreme Court Office of Attorney Ethics Advisory Opinions, ABA Model Rule, Canons of Professional Ethics and the professional and regulatory structure of the practice of law. The course will also explore the disciplinary and licensing process as applicable to legal professionals. Students to identify evaluate and respond to legal ethical issues.

TEXTBOOK: Ethics for the Legal Professional, Orlik, Ed Pearson Education, most recent edition.

SUPPLEMENTAL MATERIALS: New Jersey Rules of Professional Conduct as well as supplemental materials appropriate to subject matter

PRACTICAL ASSIGNMENTS: Legal Memoranda on Legal Ethical Issues.

Learning Objectives: 1. To provide the student with the ability to analyze and apply the New Jersey Rules of Professional Conduct to the responsibilities and duties of the New Jersey Legal Professional. Students will also exam ethical codes relating to the Judiciary.

Measure: Students will take exams and submit projects at specific intervals during the course. These projects and exams will relate to analysis of the New Jersey Rules of Professional Conduct and other regulatory and licensing laws in the State. Students will learn how to navigate and research the Rules of Professional Conduct.

Standard: At least 80% of all students will receive an average grade of "70" or better on the projects. Projects will be reviewed with students and concepts reinforced. Homework assignments will be required specifically addressing this course objective.

2. To provide the student with an understanding of how to identify legal ethical issues and how to respond appropriately in the legal workplace environment.

Measure: Students will submit projects during intervals during the course, which will require the identification and research of legal ethical issues. Projects will include legal memoranda, legal

briefs, use of forms and appropriate practice aides. Students will be required to utilize their legal research and writing skills.

Standard: At least 80% of all students will receive an average grade of “70” or better on these examinations and projects. Projects will be reviewed with students and concepts reinforced. Homework assignments will be required specifically addressing this course objective.

3. To provide the student with an understanding of the New Jersey regulatory and licensing structure as it applies to legal professionals within the state. Students will gain understanding through analysis of particular rules, statutes, case law, hypotheticals and examination of case studies.

Measure: Students will submit projects during intervals during the course, which will have required ethical considerations. The ethical considerations will relate to analysis of the New Jersey State and Federal Court Systems and the processes and procedures required by the New Jersey Supreme Court and the New Jersey State Constitution.

Standard: At least 80% of all students will receive an average grade of “70” or better on these homework assignments and projects. Projects and homework assignments will be reviewed with students and concepts reinforced.

4. To provide the student with an understanding the disciplinary and oversight process of legal professionals. The student shall exam professional, civil and criminal ramifications of conduct not in compliance with New Jersey Rules of Professional Responsibility and other applicable law.

Measure: Students will submit projects and homework assignments, which will examine situations where there has been conduct, which has not been in compliance with the New Jersey Rules of Professional Conduct and other applicable law.

Standard: At least 80% of all students will receive an average grade of “70” or better on the projects. Projects and homework assignments will be reviewed with students and concepts reinforced.

COURSE CONTENT:

1. (3 hours) Introduction: Education and Regulation of the Legal Professional – Why are there Lawyers, Education Requirements, Bar Examinations, Moral Character, Genesis of the Legal Ethical Rules.
(Lecture, Chapter 1 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
2. (3 hours) Regulation of the Legal Professional (Cont’d) Genesis of Legal Ethical Rules, Early Canons, 1960’s Model Code of Professional Responsibility, Complaints Against Lawyers, Definitions of Paralegals, Regulation of Paralegals (Licensing, Certification, Registration, Title Schemes). (Lecture, Chapter 1 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)

3. (3 hours) Unauthorized Practice of Law. What is UPL, Why Should the Practice of Law be Limited to Attorneys, Examination of the Model Rules, What activities are and are not Unauthorized Practice of Law, Giving Legal Advice, Kits and Books, Secretarial or Typing Services, Lawyers assisting in UPL, Enforcement of UPL Laws (Lecture, Chapter 2 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
4. (3 hours) Confidentiality – What is Confidentiality? Length of Duty, Contract of Attorney/Client Privilege, When can Confidence be Divulged, Work Product, Technology Factors (Lecture, Chapter 3 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
5. (3 hours) Confidentiality – (cont'd) Length of Duty, Contract of Attorney/Client Privilege, When can Confidence be Divulged, Work Product, Technology Factors (Lecture, Chapter 3 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
6. (3 hours) Conflicts of Interest – How are Conflicts Created? How Can Your Personal Life Create Conflicts? Financial Interests in Case, Transacting Business in Good Faith, Witnesses, Buying a Claim, Gifts, Publicity Creating Conflicts, Protecting the Firm's Interests (Lecture, Chapter 4 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
7. (3 hours) Conflicts of Interest (Cont'd) – Intimate Relations with Client Creating Conflicts, Representation of Multiple Clients, Pro-Bono and Lawyer Referral Services and Conflicts, Disqualification, Ethical Wall Theory, Waivers (Lecture, Chapter 4 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
8. (3 hours) Conflicts of Interest (Cont'd) – Intimate Relations with Client Creating Conflicts, Representation of Multiple Clients, Pro-Bono and Lawyer Referral Services and Conflicts, Disqualification, Ethical Wall Theory, Waivers (Lecture, Chapter 4 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
9. (3 hours) Advertising and Solicitation – Access to Justice, The Unsavory Client, Need to Advertise, Good and Bad Advertising and Solicitation, Direct Mail, Prohibitions on Client Contact, Corporate Clients, Referral Fees, Technology Effect. (Lecture, Chapter 5 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
10. (3 hours) Fees and Trust Accounts – Beginning the Relationship with the Client, Types of Fee Arrangements (contingency, flat fee, hourly, other methods), Contents of the Engagement Agreement, Retainer, Client Trust Account, Compensation to the Law Firm, Fees from the Adversary, Referral Fees, Paralegal Fees, Pro Bono Service. (Lecture, Chapter 6 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
11. (3 hours) Competence and Negligence – How is Competence Measured for the Lawyer, “Mental Competence,” Causes of Action against Negligent Lawyers, Competence in a Specific Area, Preparation of Documents, Defenses to Negligence Claim, Statute of Limitations, Applying Negligence Claims to Paralegals, Specific Acts of Omission as Negligence, Professional

Liability Insurance, Avoiding Professional Negligence. (Lecture, Chapter 7 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)

12. (3 hours) Competence and Negligence (cont'd) – Causes of Action against Negligent Lawyers, Competence in a Specific Area, Preparation of Documents, Defenses to Negligence Claim, Statute of Limitations, Applying Negligence Claims to Paralegals, Specific Acts of Omission as Negligence, Professional Liability Insurance, Avoiding Professional Negligence. (Lecture, Chapter 7 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct).
13. (3 hours) Duty of Zealous Representation – Boundary of the Law, Suppressing Evidence, Fabricating Evidence, Penalties, Spoliation of Evidence, Deceit, What is Material, Discovery, Investigating of Jurors, Talking to the Press, Expert Witnesses. (Lecture, Chapter 8 – Orlik and NJ Rules of Professional Conduct)
14. (3 hours) Duty of Zealous Representation – (cont'd) Gifts to Judges, Professionalism to Adversary, Courtesy to the Court, Loopholes, Frivolous Claim, Fiduciaries, Client Breaking the Law, Ex Parte Communication. (Lecture, Chapter 8 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)
15. (3 hours) The Umbrella Duty of Integrity – Reporting the Misconduct of Others, Judicial Role, Opposing Counsel, Others in the Law Firm, Your Own Misconduct, Threats, Application to the Paralegal, The Appropriate Authorities, General Misconduct, Protecting the Public Trust. (Lecture, Chapter 9 – Orlik and Ethics Supplement - NJ Rules of Professional Conduct)

Evaluation: Projects (3)	25% (each project)
Homework	15%
Class Participation	<u>10%</u>
	100%

Project Submission: Projects shall be submitted in hardcopy form in duplicate. One project shall be retained for your Legal Studies Student File, the other returned after grading.

Homework: Assignment submission will be required for course credit as assigned and required by the Professor during the semester and will be integrated into final grade pursuant to evaluation procedures listed above.

Attendance: Will be taken at each session and is subject to the rules of the college. Attendance at lectures is imperative to acquisition and understanding of the substantive material of the course. Habitual absence (considered more than two unexcused absences) and/or tardiness may result in loss of credit for

the course. All projects and homework assignments must be completed for credit for the course.

Faculty absence: CHECK YOUR BERGEN COMMUNITY COLLEGE EMAILS AND THE COLLEGE WEBSITE REGARDING CLASS CANCELLATIONS AND DELAYS.

SUBMISSION OF LATE PROJECTS SHALL BE ASSESSED A QUARTER GRADE PENALTY FOR EACH DATE THAT THE PROJECT IS LATE. ALL PROJECTS (INCLUDING HOMEWORK ASSIGNMENTS) MUST BE SUBMITTED BY SEMESTER'S END FOR THE STUDENT TO RECEIVE CREDIT FOR THE COURSE. IF ALL PROJECTS ARE NOT SUBMITTED BY THE FINAL ASSIGNMENT DUE DATE, STUDENT SHALL RECEIVE AN "F" GRADE FOR THAT ASSIGNMENT WHICH HAS NOT BEEN SUBMITTED.

ADDITIONAL MATERIALS: TO BE PROVIDED BY THE PROFESSOR. EACH STUDENT SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THESE MATERIALS AND THE COMPREHENSION OF THESE MATERIALS.

CELL PHONES and CLASS RECORDING: CELL PHONE SHOULD BE SILENCED. RECORDING OF CLASS LECTURE IS PROHIBITED.

LEGAL STUDIES NOTE: THIS COURSE IS CONSIDERED A LEGAL SPECIALTY COURSE. ALL LEGAL STUDIES STUDENTS MUST ATTAIN A "C" GRADE OR BETTER IN ALL LEGAL SPECIALTY COURSES AS A PREREQUISITE TO REGISTERING FOR REQUIRED COOP COURSE (LGL-462).

CLASS CONDUCT: STUDENTS ARE BOUND AND SUBJECT TO THE BCC CONDUCT RULES.