CRESTPOINT UNIVERSITY

717 E. Maryland Avenue
Phoenix, AZ 85014
Tel: 800-371-6105
Fax: 866-347-2744
E-mail: info@crestpoint.edu
Website: crestpoint.edu

PLG-109 Professional Responsibility and Legal Ethics
Syllabus and Course Guide

The Professional Responsibility and Legal Ethics course meets 15 times over the course of the 8- week term in the Crestpoint Interactive classroom. Each session consists of about 60 minutes of online lecture by the course instructor. After the lecture, students may ask questions and make comments on the material being studied.

Classes for this course occur on Tuesdays and Thursdays at 9:00 PM Eastern time, in accordance with the lecture schedule on this syllabus. The first class is on Tuesday, June 2, 2026.

All class sessions are recorded and may be viewed by students at any time.

Unless an extension has been taken pursuant to the Crestpoint Extensions Policy (see the end of this syllabus), all course assessments must be submitted by the course deadline which appears later in this syllabus. The deadline can also be found at the end of the syllabus or by clicking on the Course Name, then Progress Report. Generally, the course deadline is approximately 4 weeks after the last day of the course.

No extensions may be taken or granted unless the student has submitted one or more assignments or exams in advance of the original deadline. In addition, extensions are subject to grade penalties and are limited to no more than 15 days from the date of the original deadline.

Please note that students are strongly encouraged to do their work as the course progresses rather than waiting for the days or weeks before the deadline to do all of their work. It is also critically important that students realize that:

1. A grade of “Incomplete” is the same as an “F” and is a failing grade.
2. A grade of “Incomplete” will result in a reduction in the student’s grade point average.
3. Student may have to pay to re-take or replace a course for which a grade of Incomplete is assigned.
4. Two consecutive Incompletes may subject the student to dismissal from the college under Crestpoint’s chronic incomplete policy.

5. Students with a GPA of under 2.0 are not eligible to receive federal financial aid and cannot graduate until their GPA is at or above 2.0.

If you are having trouble completing the course, the student is strongly encouraged to contact his or her academic advisor or Academic Support.

Please note also that:
- A student who receives an incomplete on his or her first course may be dismissed from Crestpoint.
- A student who fails to complete at least one weekly interaction during the first 14 days of the course will automatically be withdrawn from the course per Crestpoint policy. The student may re-join the class by prompt notification to Crestpoint and by prompt completion of an interaction shortly thereafter.

Course Instructors:

Jeremy Rovinsky (jeremy@crestpoint.edu)

Course Description:

Anyone who works in the legal profession, whether an attorney or a paralegal, must have a fundamental understanding of the professional codes of conduct and laws dealing with the ethical obligations of members of the legal profession. This course covers the basic principles governing the ethical practice of law for both lawyers and paralegals. In addition, it provides students with the necessary tools for identifying and resolving ethical problems and gives practical tips to implement in everyday practice. The areas that will be covered in this course include the regulation of attorney and paralegal conduct, confidentiality, the unauthorized practice of law, conflicts of interest, the handling of client funds, advertising, billing, fee splitting, disciplinary procedures and malpractice. Although this course will provide students with an understanding of the universal concepts of professional responsibility, each jurisdiction has its own minor variations on these concepts. Therefore, students are also encouraged to explore their local rules of professional conduct.

Course Objectives:

Upon completion of this course, students will be able to:

- Research and apply the Model Rules of Professional Conduct.
- Apply the distinction between "practicing law" and performing tasks permitted to a paralegal in order to avoid "unauthorized practice of law."
- Determine what client information is protected by the attorney-client confidentiality rule.
- Describe when, to whom, and in what manner confidential client information may be disclosed.
- Determine the point at which an attorney-client relationship has been formed.
- Describe the duties of zeal and loyalty that legal professionals owe to their clients.

- Apply the “conflict of interest” rules.
- Apply the ethical rules regarding the “business of law”; i.e., promotion and advertising.
- Define contingency fees and determine whether they are appropriate in a given situation.
- Describe the rules governing proper communication with the presiding judge.

Textbook:

All reading assignments refer to the Crestpoint courseware, Cases and/or statutes that are specifically mentioned in the syllabus are required reading. The texts of these cases and/or statutes may be accessed directly from the courseware. In addition to the assigned courseware and cases, students should familiarize themselves with the various legal documents listed for each lecture. These documents can be found on the Course Materials, under this course’s materials, on the Crestpoint student website. Some, but not all, of these documents will be discussed in class. Reading assignments for each class should be completed prior to the class.

In addition to the courseware’s electronic form, you may also view/print out a PDF version of the courseware that includes:

1) **The courseware**
2) **Selection sections of the Model Rules of Professional Conduct that will be discussed in class**
3) **All lecture slides**

See the course materials page for the link.

Weekly Interaction Requirement

To ensure that all students are involved, participating, and in compliance within the course, each student should complete one assessment each week. This requirement may also be met by attending a live session during a given week. Students who do not fulfill the requirement within a given week will be sent reminder emails. Students who fail to interact in multiple weeks may be subject to academic and financial aid consequences, in accordance with Crestpoint’s Satisfactory Academic Policy and other school policies.

Course Structure

After logging into your Crestpoint student account, locate your enrolled course by scrolling down and clicking on the course name. Your course will expand, and you will find eight modules, each corresponding to one week of the course. Slides and documents, assignments, discussions, and exams for each week are organized within the respective module. Recorded lectures will be posted as the course goes along.

Assessments

Assessments may be in the form of discussion questions, assignments, and/or exams.

Exams are graded on a scale of 0-100 and must be done in 2-4 hours, depending on the exam. The start exam page indicates the length of time for each exam. Discussions and assignments should be completed in accordance with the assignment instructions. Assignment information can be found at the end of the course syllabus.

Please see the Grading Policy under School Links for specific details regarding the grading of assessments.

Crestpoint Academic Advisor

Each Crestpoint student is assigned an academic advisor upon enrollment. Your academic advisor is a resource that can and should be drawn on if you need academic assistance. This includes advice on studying, help with assignments, general academic questions, etc. You should have received an email from your academic advisor upon enrollment. If you have not received such an email or do not know who your academic advisor is, please contact Anne Lewis at anne@crestpoint.edu.

Crestpoint Plagiarism Policy

All work done by Crestpoint students is expected to be their own work. In addition, Crestpoint students may not share their completed work, answer keys, or sample answers which they have obtained by any method with any other student. Students may NOT upload any sample answer (whether written by themselves or any other person) to any publicly available website or database.

Students are requested and encouraged to please review the Academic Integrity and AI Use Policy. Students are responsible for complying with its terms.

Course Grades

Grades are issued on a classical A through F scale based on the grades scored on the assessments, per this syllabus.

Lesson Schedule

Module 1

Lecture 1: Tuesday, June 2

Introduction to the Regulation of the Legal Profession This class will first introduce the various sources of ethics laws and rules, which may differ from state to state (our course will focus on rules of general applicability). Next, we will explore the essentials of how and why a legal professional must report misconduct. We will discuss the types of discipline an ethical lapse may trigger, such as sanction and disqualification. We will also focus on civil and criminal liability that can also result from actions that would also constitute legal ethics violations.

Courseware Reading:

Chapter 1: Introduction to the Legal Profession
- Introduction to Legal Ethics
- Sources of Ethics Law
- Reporting Misconduct
- Discipline, Sanction, Disqualification
- Civil and Criminal Liability

Cases and Ethical Rules:

<u>Model Rules of Professional Conduct Rule 5.3</u>
As a legal assistant, this rule will have a profound impact on your practice. This rule provides that a law firm or a lawyer has an ethical responsibility to properly supervise non-lawyer assistants. When reading this rule, remember that legal ethical rules do not technically apply to non-lawyers. Therefore, the rules have to put the onus on the attorney to make sure that his or her subordinates follow the ethical rules.

<u>Lecture 2: Thursday, June 4</u>

In this class, we will explore the critical subject of what it means to be engaged in the "unauthorized practice of law" – what a non-lawyer can and cannot do regarding the practice of law. We will analyze the role of the paralegal vis a vis the role of a lawyer in a legal representation and discuss when the line between preparing documents and doing research and actually practicing law is crossed. In addition, we will touch on the management and supervision of a law firm in the context of the ethical rules and examine the supervisory rule that an attorney must assume with regard to a paralegal working under the attorney.

Courseware Reading:

Chapter 1: Introduction to the Legal Profession
- The Unauthorized Practice of Law
- The Management of Law Firms: Supervisors and Subordinates

Cases and Ethical Rules:

Faretta v. California, 422 U.S. 806 (1975)
In this case, the Supreme Court carved out an important exception to the unauthorized practice of law rules. The Court held that in a criminal case, the defendant has a constitutional right to defend him or herself. Although it may be a bad idea in practice, the Court held that the right to an attorney and the right to due process under the 5th and 6th Amendments allow a person to represent himself at trial.

Complete Weekly Discussion 1

Module 2

Lecture 3: Tuesday, June 9

This class will consist of a Lexis tutorial/ assignment walkthrough. The instructor will use a research assignment from a past or current course to demonstrate the way an assignment should be researched and composed.

The instructor will walk the students through the various Lexis databases and explain to students how to most efficiently use the Lexis system to complete research assignments. Various general aspects of navigating Lexis, including Shepardizing, seeking and finding appropriate search databases, getting a document by citation, etc., may be explored.

The instructor will also discuss how to most effectively plan, outline, organize and draft research assignments. Model answers and/or past student submissions may be used to illustrate what a “4” assignment looks like and how to compose one.

Lecture 4: Thursday, June 11

This class will explore the duties that a legal professional owes to a client, including loyalty and advocating zealously, diligently, and competently. We will look at the limits the duty to act zealously, especially when they may conflict with the general responsibility to be honest to the court and even opposing counsel. In this vein, we will discuss the “advocacy” system adopted by the American legal system and compare it to the civil European system, in which the duty of zealous advocacy is much weaker. We will also discuss the essentials of safeguarding client property, and perhaps most importantly, how to handle a client’s money and the harsh consequences that can result from failure to do such in an appropriate manner.

Courseware Reading:

Chapter 2: Duties to the Client and the Client’s Rights
- Loyalty, Advocating Zealously, Diligence, Competence
- Safeguarding Client Property

Cases and Ethical Rules:

<u>Model Rules of Professional Conduct Rule 1.15</u>
This critical ethical rule sets forth the requirements for safeguarding client property. This is an important rule to know and to follow because nothing will get an attorney disbarred faster than embezzling or even simply misappropriating client money; and nothing will get a legal assistant fired faster than sloppy management of client money.

<u>Model Rules of Professional Conduct Rule 1.4 and comment 1</u>
This rule lays out the important requirement that the attorney keep the client informed of the progress of the case. We will discuss the practical ramifications of this rule, such as how often the law firm and client should communicate, what information and developments on the case must be communicated to the client, etc.

Complete Weekly Discussion 2

Module 3

Lecture 5: Tuesday, June 16

In this class, we will examine the important question of which decisions during the course of a representation are to be made by the attorney and which decision are reserved for the client. Generally, a client makes substantive decisions – whether or not to settle, for example - while a lawyer concentrates on strategy. We will discuss how the adversary system is furthered and at the same time, the search for the truth is safeguarded, by leaving some tactical decisions to the attorney, always keeping in mind that the client is, in fact, the “boss” of the representation.

Courseware Reading:

Chapter 2: Duties to the Client and the Client’s Rights
-What the Client Decides in a Case
-What the Lawyer Decides in a Case

Cases and Ethical Rules:

Model Rules of Professional Conduct Rule 1.2
This rule quickly summarizes what the lawyer decides in a case and what a client decides in a case. The client makes decisions that are substantive in nature, while strategy is usually left to the lawyer. Reading and knowing these rules is essential to a practice that represents individual clients in trials, especially when the client involved in the case might be somewhat less than completely cooperative.

Lecture 6: Thursday, June 18

In this class, we will start by focusing on situations in which in which an attorney may or must withdraw from a representation. We will look at a key difference in the wording of the ethical rules, between the words “must withdraw” that sometimes appear in ethical rules, and the words “may withdraw,” which appear at other times in the rules. We will also focus on some of the key issues that must be kept in mind when an attorney withdraws from a case, such as maintaining confidentiality of the erstwhile client.

Courseware Reading:

Chapter 3: Duties to Others
-Withdrawal and Disqualification

Cases and Ethical Rules:

Model Rules of Professional Conduct Rule 1.16
Another important ethical rule, this rule explains when an attorney may or in some cases must withdraw from a case. We will use these rules to analyze various situations that are in the "grey area" of what type of case a lawyer may or may not take.

Complete Weekly Discussion 3

Module 4

Lecture 7: Tuesday, June 23

Tonight we will consider the duties that a legal professional owes, particularly to the adversary and to the court. For example, the rules always require "candor to the tribunal." Without it, truth cannot be ascertained, and the system fails. We will discuss the delicate balancing act that must be performed by the legal professional and one balances the responsibility to zealously advocate for one's client and the responsibility of candor a legal professional owes to one's colleagues and to the court.

Courseware Reading:

Chapter 3: Duties to Others
- Duties to the Opposing Party
- Duties to the Court

Cases and Ethical Rules:

Nix v. Whiteside, 475 U.S. 157 (1986)
This Supreme Court case dealt with the very interesting issue of whether an attorney may put a client on the witness stand, when he or she knows that the client will lie. It is generally a client's decision as to whether to testify; in fact, a client has a constitutional right to testify on his or her own behalf. However, an attorney may not call a witness who will lie on the stand. So, what can an attorney do when a client insists on lying on the stand? That is the balancing test that the Court here undertook. We will discuss the results of the case, and we will discuss the practical ramifications of the case regarding this all-too-common scenario.

Lecture 8: Thursday, June 25

The rules regarding confidentiality, attorney/client privilege, and the work product doctrine are among the most critical in the litigation process and in the practice of law in general. It is crucial to the representation of a client that a legal professional know what may be disclosed to whom and what must be kept confidential. In this class, we will begin our discussion of the confidentiality rules. We will discuss the two primary doctrines relating to the protection of client information: the rule of attorney-client confidentiality and the evidentiary attorney-client privilege.

Courseware Reading:

Chapter 4: Confidentiality
- Confidentiality
- Attorney/Client Privilege

Cases and Ethical Rules:

Model Rules of Professional Conduct Rule 1.6
This rule sets forth the ethical rules regarding attorney-client confidentiality. The rule carves out the exceptions to the rule as well. This is, of course, the starting point, for any discussion of attorney-client confidentiality.

Swidler & Berlin v. United States, 524 U.S. 399 (1998)
This case, which involved an investigation into the White House travel records, dealt with the question of whether attorney-client confidentiality rules survive the death of the privilege holder. We will discuss the policy reasons that went into the development of the confidentiality rules in the first place. Also, we will analyze whether those reasons mandate extending that rule beyond the death of the privilege holder.

Complete Weekly Discussion 4

Complete Assignment 1

The Midterm Exam can be taken at this point

Module 5

Lecture 9: Tuesday, June 30

In this class, we will first discuss the "work product doctrine," a doctrine which protects certain proprietary information produced during legal representation from being discoverable by the adversary. This rule often inspires heated debates regarding what evidence is discoverable and what evidence is protected. A case's outcome may hinge on whether a particular document is protected by these rules. Next, we will discuss other relationships that are deemed by the law to be worthy of protection to the extent that the law will prevent confidential information produced in the course of those relationships from being introduced as evidence in a court room.

Courseware Reading:

Chapter 4: Confidentiality
- The Work Product Doctrine
- Other Privileged Relationships

Cases and Ethical Rules:

Hickman v. Taylor, 329 U.S. 495 (1947)
In this landmark Supreme Court case, the Court announced the "work product" doctrine. Under that rule, a litigant and her or her attorneys cannot be forced to turn over notes and opinions prepared by that party in anticipation of litigation. We will discuss the reasons for the doctrine, how it operates and, most importantly, what exceptions exist and why they exist.

Upjohn Co. v. United States, 449 U.S. 383 (1981)
This case dealt with a critical issue in the corporate world regarding the attorney-client privilege. Namely, exactly who in a corporation is considered a "client" of the corporate attorneys? Under the old rule, under the "control group" of the corporation could count on its statements to corporate attorneys being protected by the attorney-client privilege. What are the problems with that rule? When reading this case, think about why the attorney-client privilege exists. Then think about applying that logic to this question and think about whether you agree with the way the 6th Circuit went about doing so.

Complete Weekly Discussion 5

<u>Module 6</u>

<u>Lecture 10: Thursday, July 2</u>

Over the course of their careers, legal professionals may represent clients involved in matters that involve or may compromise the representation of other clients. Rules have been drafted to govern when a lawyer is disqualified from representing a client in a particular case due to a conflict of interest. An attorney who has served on a litigation team on behalf of a corporate client in one matter may be barred from representing that client's adversary in another matter. We will also discuss when an entire firm can be disqualified from representing a client because of a conflict that one of its members may have. Finally, we will discuss what a former government employee must consider if she intends to use in the private sector the legal skills and contacts she gained which working for the government.

Courseware Reading:

Chapter 5: Conflicts of Interest
- The Limits to Representation
- Former Clients Rules
- Imputed Disqualification
- Government Service and Going Private

Cases and Ethical Rules:

<u>Model Rules of Professional Conduct Rule 1.7</u>
This ethical rule gives the Model Rules' guidelines for handling conflicts of interest that arise between different current clients. This must be read as a starting point for the discussion of conflicts of interest.

Model Rules of Professional Conduct Rule 1.9

This ethical rule gives the Model Rules' guidelines for handling conflicts of interest that arise between different former clients. Note that the rules are less strict with regard to former clients because the attorney is not conflicted with two current duties of loyalty.

Model Rules of Professional Conduct Rule 1.11

This rule sets forth the former clients rules as they relate to legal professionals who worked for the government and are now joining the private sector. Because of the sensitivity of government information that legal assistants are privy to, the ethical rules have a special category for people in government who transfer to the private sector.

Lecture 11: Tuesday, July 7

This class will explore what kind of business an attorney may engage in with a client. We will discuss what rules must be followed if a lawyer drafts an instrument (particularly a will) that includes a gift to the lawyer. Furthermore, we will discuss the rules an attorney must follow if he is on a media-worthy case and/or if he plans to negotiate for literary or media rights. At the end of the class, we will cover one of the thornier issues in the study of conflicts, regarding corporate representation. When is a legal professional representing the corporate entity, and when is she representing the employee?

Courseware Reading:

Chapter 5: Conflicts of Interest

- -Doing Business with Your Client
- -Drafting Yourself a Gift
- -Negotiations for Literary or Media Rights
- -Providing Financial Assistance
- -Other Conflict of Interest Issues
- -Conflicts in corporate representation

Cases and Ethical Rules:

Model Rules of Professional Conduct Rule 1.8

This rule continues with the conflict of interest rules by dealing with a host of other attorney-client activities. These include soliciting gifts from a client, doing business with a client, and even having sexual relations with a client. These rules are, of course, critical to know and follow so as to avoid being subject to discipline for actions that may not seem inherently wrong but are nevertheless unethical.

Complete Assignment 2

Lecture 12: Thursday, July 9

In this class, we will begin our discussion of the "business" aspect of running a law practice. Specifically, we will devote this class to a discussion of attorney's fees. We will discuss what makes a fee "reasonable" and the prohibition against charging unreasonable attorney's fees. In addition, we will look at the all-important issue of fee splitting; whether with another attorney or with a non-lawyer. We will examine the circumstances under which fee splitting is ethical and some alternatives in cases when fee splitting is unethical.

Courseware Reading:

Chapter 6: “Lawyering”
- Fees

Complete Weekly Discussion 6

Module 7

Lecture 13: Tuesday, July 14

Here, we will examine the all-important issue of how a law firm may and may not solicit clients. We will discuss the strict rules against misleading advertising and in general, the rules governing attorney advertising. We will look at the freedom of speech concerns that go into shaping the attorney advertising rules. Finally, we will focus on the rules governing in person solicitation, including the prohibition against the practice sometimes referred to as “ambulance chasing” which tarnishes the reputation of the legal community.

Courseware Reading:

Chapter 6: “Lawyering”
- Advertising
- Solicitation of clients

Cases and Statutes

<u>Model Rules of Professional Conduct Rules 7.1 and 7.2 -</u>
Suggested reading: Comments to Rules 7.1 and 7.2
These Model Rules deal with how a lawyer communicates his services. While lawyers are entitled to the First Amendment's freedom of speech, they must be careful to communicate honestly and not mislead clients or potential clients.

<u>Model Rules of Professional Conduct Rule 7.3</u>
Suggested reading: Comments to Rule 7.3
This Model Rule deals with soliciting clients. It specifies who a lawyer may or may not solicit from in person. The rule is important to protect vulnerable people from aggressive lawyers.

Goldfarb v. Va. State Bar, 421 U.S. 773 (1975)
It has been a longstanding practice that bar associations and ethical rules dictate how much an attorney or legal professional may charge for his or her services. In addition to setting maximum prices, the rules often set minimum prices as well, to ensure quality of service. In this case, such price fixing came under attack on antitrust grounds. The Court had to balance the interest of regulating the legal profession to ensure competent service to clients against the rules that ensure a free market.

Fla. Bar v. Went for It, 515 U.S. 618 (1995)
This case deals with attorney advertising. Advertising by attorneys has long been frowned upon by the profession. However, it is well established that a blanket prohibition against attorney advertising is unconstitutional under the First Amendment. This case discusses the limits of attorney advertising regulation. We will use this case to discuss the rules regarding attorney advertising and the policy reasons behind such rules.

Lecture 14: Thursday, July 16

This class will begin our analysis of the responsibilities of an attorney in communicating with various parties involved in a representation. Tonight, we will focus on communication with judges and juries. We will look at the "ex parte communication" rule and when such communications are allowed. Also, we will discuss the strong prohibition against communication with jurors and the criminal laws (jury tampering laws, obstruction of justice, etc.) that also play into those rules.

Courseware Reading:

Chapter 7: Judges, Jurors, Witnesses, and Courtroom Decorum
- -Communication with Judges: Avoiding Impropriety and Performing Impartially
- -Communication with Jurors

Module 8

Lecture 15: Tuesday, July 21

Our final class will continue with our analysis of the responsibilities of an attorney in communicating with various parties involved in a representation. Tonight we will focus on communications with witnesses and even with opposing parties. The possibility that an opposing party may be intimidated by opposing counsel has led to the enactment of strict rules regarding communications with opposing parties. Finally, we will discuss the general rules of courtroom behavior, including the types of statements an attorney may and may not make during the course of a court proceeding.

Courseware Reading:

Chapter 7: Judges, Jurors, Witnesses, and Courtroom Decorum
- -Communication with Witnesses
- -Courtroom Decorum

Cases and Ethical Rules:

<u>Model Rules of Professional Conduct Rule 3.6</u>
This Model Rule deals with communication with the media regarding a pending trial. Once again, it is the First Amendment's freedom of expression and freedom of the press that must be balanced against the interests of holding a proceeding that does not turn into a media circus. This is especially important in criminal cases, where the interest of the defendant in having a fair trial is also paramount.

Model Rules of Professional Conduct Rules 4.2 and 4.3
These are important rules that relate to communication with a party by a legal professional that represents the opposing party. Since the right to an attorney is considered so important, the rules assure the right to counsel by preventing opposing attorneys from contacting a party except through his or her attorney. The rules differ slightly based on whether the contacted party is represented by counsel. We will discuss these rules and, based on them, what the best course of action is when contacting an opposing party.

Suggested reading: Comments to Rules 3.6, 4.2 and 4.3

The Final Exam can be taken at this point

All course assessments are due no later than Sunday, August 23, 2026, at 11:59 PM EASTERN TIME; that's EASTERN time. That means 8:59 PM Pacific time, 9:59 PM Mountain time, 10:59 PM Central time, etc.

CRESTPOINT EXTENSIONS POLICY

1) Extensions that conform to the rules below may be requested from the course materials page on the student website.

2) The maximum possible extension allowed is 15 days, save for truly exceptional circumstances.

3) Students must complete one or more legitimate assignments or exams to be eligible for any extension at all.

4) Requested extensions are granted automatically. It is not necessary to give any reason for the request. However, for each day of extension you request, you may be penalized 0.6% of your course grade, per day of extension. This is necessary to compensate for the advantage that students who take more time to do their work enjoy over those who complete their work on time. This also means that a short extension (e.g., a day or two) is unlikely to affect your grade, but a long extension (e.g., two weeks) is guaranteed to affect your grade.

5) The penalty referenced in Paragraph 4 may be waived by the Director of Education in extreme cases only. Extreme cases include circumstances beyond the control of the student that caused the student to be unable to complete work for *a significant period of time*. Circumstances such as being busy at work or at home, vacations, family occasions or power or internet outages lasting a few days, are foreseeable life circumstances. Extensions may be taken for these reasons (or, for that matter, for any reason at all), but the grade penalty discussed above applies. However, please note that the course deadline cannot be extended more than 15 days for any reason at all except in the most extreme cases.

Course Assignments

Assignment 1:
You are working as a federal law clerk in the federal court in Phoenix, Arizona. The case of Stewart v. Arizona has recently come on the docket. Stewart is currently sitting in prison in Arizona. He came to be there through the following facts:

In early 2024, a rash of seemingly related murders ravaged the area of Flagstaff, Arizona. Police soon announced that they were on the hunt for a serial killer. On March 14, 2024, Stewart retained the services of Careful and Cautious, LLP, a law firm in Flagstaff to help with his legal troubles. During the initial consultation, Stewart told James Careful the following:

Well, Mr. Careful, the truth is that I'm behind the six recent murders in the area. I'm really a good guy and I hate to kill people. But sometimes, I just can't help myself. I don't want to continue killing people but these voices in my head… they're just so logical and irresistible.

James Careful promptly called the local police and reported his conversation with Stewart. Stewart was arrested for capital murder. A later search of his house turned up the murder weapon in two of the cases and files on Stewart's computer that contained information on two more victims. Stewart was put on trial in the fall of 2024. At trial, Stewart was represented by a public defense attorney, and James Careful testified against him. Careful related the entire March 14 conversation to the jury. After a three-week trial, Stewart was found guilty of six counts of capital murder and was sentenced to death. He summarily appealed his sentence. Two months ago, the Arizona Supreme Court denied his appeal.

Stewart, through his new appointed attorneys (paid for by a non-profit anti-death penalty organization), has filed a petition for a writ of *habeas corpus* in the federal district court for the District of Arizona. Among other arguments, Stewart claims that his rights were violated by Arizona because information and testimony was used against him that related to his confidential discussions with his then attorney, James Careful. The state claims that the use of the confidential communication with his attorney was proper in this case.

Joe Judge asks you to research applicable law and to write an essay discussing whether the use of Careful's information and testimony regarding his conversation with Stewart violated Stewart's rights. Mr. Judge tells you that since you're in the 9th Circuit court of appeals' jurisdiction, cases from the 9th Circuit would be best. However, cases from other circuits are better than nothing and can be used in a pinch.

Please prepare the requested essay in a research IRAC-style. Your paper should be approximately 2-3 pages long, though this is a guideline and not a requirement.

Assignment 2:
Jewels B Dazzled boasts on its sign that it is the largest jewelry store in the world. Although traditionally a family-owned business, when Mrs. Jewels passed away she left the majority ownership to Sandra Swift, a non-relative who has worked at the store for decades.

Sandra retains Allison McBeal, a local attorney, having decided it was time to draft a will. Before McBeal is finished with the will, she thinks of a great way to help Jewels B Dazzled make even more money. McBeal decides she'd like to present Sandra with her idea and do the deal together. She's willing to put up $75,000 (she's going to take out a third mortgage on her house to do so) and wants some say in the decision-making process. The deal has nothing to do with the representation. After all, McBeal has simply been retained to draft Sandra's will, so she figures Rule 1.8 probably doesn't apply.

The work for Sandra also reminds McBeal that she needs a new pair of earrings, so she plans on visiting Jewels B Dazzled tomorrow to buy some.

How does Rule 1.8 apply to the two business transactions that McBeal wants to enter into with his client (the big business deal and the jewelry purchase)?

What should Allison McBeal do or say when presenting Sandra Swift with her idea for Jewels B Dazzled? Can McBeal purchase the earrings from Swift? What part of Rule 1.8 governs the purchase of earrings between the attorney and client in this scenario? Did anyone do anything inappropriate here? Explain.

You can use Rule 1.8 and the comments to answer this question. You must also cite at least two cases in support of your answers to these questions.

You do not need an IRAC-style essay for this assignment, but you should answer all questions as fully as possible, citing appropriate authorities.

Your paper should be approximately 2-3 pages long, though this is a guideline and not a requirement.