

Welcome to *The Legal Profession*

Instructor: Prof. Noel Semple

Class time: Wednesday, 9am- 1150am, Winter 2020

Room: G102

Contact: noel.semple@uwindsor.ca; Office #2139.

I am always glad to meet with students. Please [email me](#) any time to set up a meeting or call.

Course Number: [LAWG5939-1-R3-2020W](#)

Website: On Blackboard

Syllabus version: January 5, 2020

Course Description

This course is about the practice of law: as it actually is, and as it should be. The first half of the course explores lawyers' duties to their clients. The second half is about lawyers' duties *beyond* clients, including duties to the public at large and to the law itself. Throughout the term, we will also discuss different approaches to encouraging good lawyering, such as regulation, legal ethics, and the ideal of professionalism. We will draw on speakers and stories from real law practice, as well as applicable statutes and rules, reported cases, social science and philosophy.

Goals

The Legal Profession will teach you how to:

- Recognize ethical opportunities and challenges that will arise when you practice law
- Understand and apply the "law of lawyering," including the *Rules of Professional Conduct*, applicable statutes, and the common law
- Think critically about this law of lawyering, and about how it might be improved
- Participate in some of the central debates in legal services regulation and legal ethics
- Learn about different ways to practice law and different career options
- Satisfy the "Ethics and Professionalism" instructional [requirement](#) to be called to the Bar in Ontario and other Canadian jurisdictions

Outline

Part 1: Duties to Clients: The Five Cs

1. Competence
2. Confidentiality
3. Conflict of Interest Avoidance
4. Candid Communication
5. Commitment to the Client's Cause

Part 2 Improving the Practice of Law

6. Regulation
7. Professionalism and Legal Ethics

Part 3 Duties beyond Clients: The Four Ts

8. To Potential Clients
9. To Law
10. To Oneself
11. To Colleagues

Materials

The core text is the Law Society of Ontario's *Rules of Professional Conduct* (RPC). It is available [online](#). Please bring an electronic or paper copy of this document to every class.

Excerpts from the RPC along with other materials will be emailed to you prior to each class, and uploaded to Blackboard. You are responsible for reading this material and bringing it to class, either on an electronic device or on paper.

Further Readings

The following two books are not required, and you will not be evaluated on them. However, you may find them helpful for another perspective on the material.

- Woolley, Devlin, Cotter, and Law, *Lawyers' Ethics and Professional Regulation, 3rd Edition*. Toronto: LexisNexis, 2017. <https://store.lexisnexis.ca/en/categories/shop-by-jurisdiction/federal-13/lawyers-ethics-and-professional-regulation-3rd-edition-skusku-cad-00623/details>
- Alice Woolley, *Understanding Lawyers' Ethics in Canada, 2nd Edition*. Toronto: LexisNexis, 2016. <https://store.lexisnexis.ca/en/categories/product/understanding-lawyers-ethics-in-canada-2nd-edition-skusku-cad-00890/details>

Instruction and Top Hat

The classes will consist of short lectures, interspersed with class discussion and other activities. The Top Hat classroom response system will be used during this course. Top Hat gives you the opportunity to interact with the material using your laptop, tablet, or phone. At the beginning of every class, please go to www.tophat.com and log in.

To sign up, please go to www.tophat.com. Click "Signup" then "Student." The Join Code is **143884**.

I have negotiated a price of \$15 per student for Top Hat. If this is a source of financial hardship to you please contact Francine.Herlehy@uwindsor.ca and she may be able to arrange assistance. **This is the**

only money you will have to spend on this course, as all necessary readings will be provided at no cost to you.

Electronic devices in the classroom

Please bring a laptop to each class in order to participate via Top Hat. Electronic devices should *only* be used for class work. Doing other things in class is likely to undermine your ability to succeed in the course. Research [shows](#) the negative effects of classroom "multitasking" on academic performance. It also offers strong evidence that multitasking distracts other students sitting near you.

Accessibility, Respect, and Human Rights

I share Windsor Law's commitment to creating a learning environment that is accessible and respectful to everyone within our diverse community. I welcome your feedback about any issues or barriers you encounter in this regard. Students are expected to participate in all course activities in a manner that is professional, civil and respectful of others. You are expected to comply with the University's [Human Rights Policy](#) and the [Ontario Human Rights Code](#). I commit to do likewise.

Evaluation

[Participation \(15%\)](#)

Each class (not including the first class on January 8), you can earn points for attending class and responding to questions on the Top Hat classroom response system.

I will excuse one absence, for any reason. Your participation mark will be based on your best 10 classes.

[Quizzes \(15%\)](#)

- There will be 4 short quizzes during the term. These will test your comprehension of readings, lectures, and class discussions.
- The quizzes will use true/false, multiple choice, and short answer questions.
- Each quiz may test you on material from any of the classes or readings *after* the previous quiz.
- Your top 3 of 4 quizzes will each count for 5% of your final grade. Quizzes will be open-book but you will not have much time to search for answers.

Quizzes will occur on Jan 22, Feb 5, and Feb 26. **There will also be one pop quiz, on a date that I will pick.**

Students who are absent on a quiz date will receive a grade of zero unless they have arranged for religious or other accommodation, or have a documented medical reason for their absence, as approved by the Associate Dean's office. If you need to be absent for a work or law school-related reason, let me know ahead of time and it may be possible for you to write the quiz remotely over Blackboard.

[Exam \(70%\): Date TBD.](#)

The exam will include (i) a fact pattern requiring you to spot issues and apply what you have learned, (ii) a policy question requiring you to consider how to deal with a problem confronting the legal profession, and (iii) Multiple choice questions similar to those on the quizzes. More information will be provided about the exam later in the course.

Top Hat: Notice of Compliance with University Policy

The digital resource Top Hat will be used in this course. It is a required resource, which will be used for assessment purposes. The assessments that will rely on this resource constitute 15% of the grade for this course. This resource can be purchased via www.TopHat.com.

The assignment of digital learning resources at the University of Windsor is governed by a policy entitled The Use of Digital Learning Resources for Instructional and Assessment Purposes, which can be viewed at:

http://www.uwindsor.ca/provost/sites/uwindsor.ca.provost/files/digital_learning_resource_policy_final_with_link.pdf.

Should you have any concerns about the assignment of digital learning resources for this course, please let the Associate Dean responsible for undergraduate programs in your Faculty know in writing, as the University regularly reviews this policy based on campus community feedback.

Mental Health

Law school is stressful. Help is available:

- Student Health Services: <http://www.uwindsor.ca/studenthealthservices> or (519) 253-3000 ext. 7002
- Student Counselling Centre: <http://www.uwindsor.ca/studentcounselling> or (519) 253-3000 ext. 4616
- Peer Support Centre: <https://uwsa.ca/uwsa-services/psc> or (519) 253-3000 ext. 4551
- My Student Support Program (MySSP): <https://keepmesafe.myissp.com/> or 1-844-451-9700