

Legal Ethics and Professional Responsibility (LAWS 2099)

Professor Pink, Winter 2019, Thursday 13:30–15:20

Course Syllabus

Contact Details

Professor Darrel Pink

E-mail: dpink@dal.ca

Class Schedule

Thursday, 13:30 – 15:20 Room 104

The last day for the winter term is **Thursday, April 7 but the last scheduled class is on MARCH 28.**

In-person appointments

I can meet by appointment before or after class or can address issues informally after lectures.

All questions about course material will be addressed at in-person meetings only (i.e. not by e-mail), during scheduled meetings or on a drop-in basis before or after class.

Students should send all questions they plan to address via email at least one hour prior to the drop-in session they plan to attend. Emails must originate from your @Dal.ca address.

E-Mail Communications

All communication from me about the course will be through e-mail via Brightspace, if they relate to the entire class, or to an individual if that is required. All e-mails sent will use your dal.ca address. **Please read these!** You will be deemed to have received all course information sent by e-mail.

E-mail will not serve as an alternative to meeting with me in-person using the procedure described above. All e-mail

messages must include in the subject line the course name and a concise statement of purpose (e.g. Legal Ethics: Class schedule).

Course Website (Brightspace)

The *Course Syllabus*, *Course Schedule*, and any assigned supplemental course materials not included in the course text will be posted to the course website (dal.brightspace.com).

Please ensure that you have e-mail notifications enabled for all Announcements posted on Brightspace.

Administration

Information on course requirements, procedures and schedules is contained in the *Course Syllabus* (this document) and the *Course Schedule*—both available on the course website. The *Course Schedule* may be amended throughout the term as needed (with notice via an Announcement posted on Brightspace).

Course Materials

1. Lawyers' Ethics and Professional Regulation, (3d ed) eds. Alice Woolley, Richard Devlin, Brent Cotter, and John Law (Toronto: LexisNexis, 2017)
2. Nova Scotia Barristers' Society Code of Professional Conduct - <http://cdn1.nsbs.org/sites/default/files/cms/menu-pdf/CurrentRegs.PDF>,
3. *Legal Profession Act*, <http://cdn2.nsbs.org/sites/default/files/cms/menu-pdf/legalprofessionact.pdf>
4. Regulations made pursuant to the Act, <http://cdn1.nsbs.org/sites/default/files/cms/menu-pdf/CurrentRegs.PDF>
5. Any supplemental materials are posted in the corresponding class folder on Brightspace. (Note: the term "supplemental" indicates readings not included in the text; they are required readings for the course).

COURSE OBJECTIVES

This course has three overarching objectives:

- (1) Enable students to develop their knowledge about the regulatory structure for lawyering and its social, cultural, economic, and political contexts;
- (2) Guide students in developing the skills and attributes that will equip them to address ethical problems in practice, informed by a full awareness of their ethical duties to clients, the public, the court, other lawyers, the justice system, and the law society; and
- (3) Challenge students to think critically about contemporary controversies in legal ethics, professional regulation, and the future of the legal profession.

Course Overview

This course is structured in two parts. After an introductory session, in our first eight classes (Part 1) we will focus on recognizing and resolving lawyers' ethical dilemmas. We will explore the structure of ethical decision-making, and discuss

the implications of research from behavioral psychology about how ethical decisions are made, followed by in-depth study of key topics on the lawyer-client relationship, competence, confidentiality and conflicts. In the final three classes (Part 2), we will step back to examine some broader issues arising from self-regulation in Canada, the challenges facing this regulatory model—especially the problem of access to justice—and future directions for the regulation of lawyers.

Readings have been designed to allow you to have an understanding of the materials and will NOT necessarily be the subject of lecture content. Most classes will have one or two interactive components designed to allow you to work with the material you have read and the lecture content.

The 12th class will be done on your own time. You must watch the Wickwire Lecture which can be found on the Schulich School of Law's YouTube feed, <https://youtu.be/TitJluPoogw>.

Evaluation

You will be evaluated in this course based on a two-hour, open-book written examination scheduled for **Friday, April 26 at 9:30AM**. (Sorry it is the last exam!!)

All examinations will be written on computer. Further information will be sent to students from the Associate Dean's Office. Rules governing exams are included in the Academic Calendar.

Requests for Accommodation

Student requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests must be made to the Associate Dean's Office as soon as possible, before a scheduled exam or a deadline for an assignment. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require academic accommodation for either classroom participation or the writing of tests and exams should make their request to the Advising and Access Services Center (AASC) prior to or at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation (Form A). Students may also contact the Advising and Access Services Centre directly at 494-2836, or they may contact the Associate Dean for more information.

Plagiarism

All students in this course must read the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, available online at <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any

violation of those policies.

Inclusive Classroom

Dalhousie University is committed to a welcoming and respectful working and learning environment that is free from harassment and discrimination. We encourage open dialogue, however members of the class are expected to refrain from speaking or behaving in ways that are harmful to others, through racism, homophobia, sexism, or other derogatory treatment based on characteristics protected under the Nova Scotia *Human Rights Act*. Please do not hesitate to speak with me if you have questions or concerns, or see <https://www.dal.ca/cultureofrespect.html> for further information on resources and supports.

Lecture Recording

You are not permitted to record lectures. The unauthorized use of any form of device to audiotape, photograph, video-record or otherwise reproduce lectures is prohibited. Students must obtain prior written consent to any such recording. Exceptions may be granted in cases of private use for reason of accommodation.