

LAWYERS & ETHICS

Section 4

Fall 2011

Prof. Fletcher

Syllabus

Welcome to Lawyers & Ethics! This is a broad topic, but I hope to help you instill a foundational understanding of legal ethics. This is a new course at MSU, and we hope it will be enlightening for you, and perhaps a welcome change from the day-to-day grind of appellate opinions in your common law classes. We will not be learning anything much about the Rules of Professional Responsibility. You'll do that next year, or the year after.

You already know lawyers jokes and probably have heard snide comments about your entrance into law school. Lawyers argue. They seem to play dirty pool whenever they can. They live and die on technical rules of procedure. They represent convicted killers. They go on TV and solicit clients who've been injured by pharmaceuticals. Lawyers look bad all the time. But always remember that television dramas involving lawyers are almost as top-rated as police procedurals and zombie melodramas, and well ahead of shows about TV comedy writers and advertising executives.

We're going to be reading a variety of material – a couple courts opinions, yes, but largely a collection of classical philosophy tracts, non-legal writings, and a bunch of fiction. We're going to talk about morality, and – most importantly – civility, or how to disagree properly.

When I say it's a new course, I'm serious. And I'm especially serious about your input in the class. Take a look at the syllabus right away. Let me know if there's something you'd like to read in addition to (or to replace) an assigned reading. This is all new to me, too, and I will take your input seriously.

In class, I want you to talk. It's a requirement of the class. You're all going to be talking for a living. Talking is part of your grade. You'll talk to me, you'll talk to each other, and you'll do it before a large group of your peers. This is a class about opening up your minds. I'm not going to give you all the malarkey about thinking like a lawyer. You're here to learn how to agree, and how to disagree.

Required Materials

Coquillette, et al., Lawyers and Fundamental Moral Responsibility (LEXIS, 2d ed. 2010)

Turtle Talk class page: <http://turtletalk.wordpress.com/matthew-lm-fletcher/lawyers-ethics-fall-2011/>

Reading Assignments

Week 1 (September 1, 2011)

The Moral Person

Skim Chapter 1 of Lawyers and Fundamental Moral Responsibility (focus on the Bramble Bush, The Prince, and Invisible Man excerpts)

Read Tee-Hit-Ton Indians v. United States, available on Turtle Talk class page

Week 2 (September 8, 2011)

Moral Responsibility

Skim Chapter 2 of Lawyers and Fundamental Moral Responsibility (focus on pages 58-71)

Read Connick v. Thompson, available at Turtle Talk class page

Week 3 [September 13, 2011 – Kelley Lecture at Wharton – 10:30 AM]

Illinois Attorney General Lisa Madigan – “New Directions in Ethics: The Attorney General’s Changing Role in the 21st Century”

Skim Chapter 3 of Lawyers and Fundamental Moral Responsibility (focus on Roberto Unger excerpt)

Read The American Indian Student, available on Turtle Talk class page

Week 4 (September 22, 2011)

Natural Law and Moral Decisionmaking

Skim Chapter 5 of Lawyers and Fundamental Moral Responsibility (focus on The Speluncean Explorers & Repouille)

Read Robin West's The Anti-Empathetic Turn, available on SSRN (link on Turtle Talk class page)

Week 5 (September 29, 2011)

Justified Disobedience

Skim Chapter 6 of Lawyers and Fundamental Moral Responsibility (focus on King, Dworkin, and McMorrow)

Read The Terrible Tribe, available on Turtle Talk class page

Week 6 (October 6, 2011)

Loyalty and Duty

Skim Chapter 7 of Lawyers and Fundamental Moral Responsibility (focus on The Crito and Crime and Punishment)

Read Derrick Bell's The Space Traders, available on Turtle Talk class page

Week 7 (October 13, 2011)

Pragmatism and Moral Realism

Skim Chapter 9

Read Toledo Marks' Return, available on Turtle Talk class page

Final Exam – October 18, 2011 @ 10:30 AM

All I know right now is that it'll probably be 90 minutes. And it won't be multiple choice. We'll figure it out as we go.