Overview:

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-ish 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. Lawyers are exciting and the law is dramatic. Own it.

We’re going to be reading a variety of material – a couple court opinions, yes, but largely a collection of non-legal writings, and some 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, we’re going to be doing a good bit of writing, maybe even as much as something at the beginning and end of each class. I’ll be able to tell if you’ve prepped for class and were paying attention. Also, it’s good practice for exam writing, which I hope will help you in all your classes. I won’t be able to read all your writing in much depth, but I’ll do my best.
Also, 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.

Finally, this isn’t opinion class. Don’t tell me your opinion. Most of us in the room don’t really care about opinions. We care about thinking and analysis. Give us an argument, and support it with reasoning and/or materials from the readings.

**Required Books:**

*The Postman Always Rings Twice* (1934) by James M. Cain ISBN: 978-0679723257 (any edition is acceptable)


**Other Reading Assignment Materials are or will be available on the Turtle Talk blog:**


**Assignments:**

**Week 1 (Aug.28, 2012)—Lawyers and Truth**

Read Chapters 9-11 and 15-16 of *The Postman Always Rings Twice* (skim rest of book, or better yet, read the coverage on Wikipedia or elsewhere – it’s a pretty rough book lacking modern sensibilities of ethnicity and gender).

Think about the roles of lawyers in the investigation and prosecution of the first murder. Who does the prosecutor (Sackett) represent? The defense attorney (Katz)? What about the roles of the insurance company employees? Does it matter if the insurance company employees are lawyers or not? Then think about the individuals charged with murder (in the first death, Frank and Cora for the killing of “The Greek”; and in the second, Frank for the killing of Cora).

Finally, think about the justice system as described by the author. What are the ethical implications of being a part of a system that allows murders to go free in one case and prosecutes another for a crime he didn’t commit?
Week 2 (Sept. 4, 2012)—Lawyers and Justice

Read Part I of Chief Justice Roberts’ opinion for the Court and Part I of Justice Alito’s dissent in Snyder v. Phelps. Skim the rest of the opinion. Read the introductory material and Part I of Justice Thomas’s opinion for the Court and Part I of Justice Ginsburg’s dissent in Connick v. Thompson. Skim the rest of the opinion. Read all of Tee-Hit-Ton Indians v. United States.

I’m interested in the facts of these cases, and the arguments that had to be argued by either party’s attorneys. In the three cases, think about the party you yourself would prefer to represent, and why. Are there any parties you think are so in the wrong under no circumstances would you agree to represent them? As for the outcomes, was “justice” done? Did the outcomes provide “justice” to the aggrieved parties? Were the defenses raised “just”? Am I using “scare quotes” too much in this paragraph?

Week 3 (Sept. 11, 2012)—Lawyerly Practice—Susskind Lecture @ 4PM (Pasant Theater)

Read the assignment on the blog (“Week 3 Reading”).

Due September 13, at 6 PM: A 500 word essay expressing your views on Prof. Susskin’s talk and/or the materials. Email to Fletcher at: matthew.fletcher@law.msu.edu.

Weeks 4 (Sept. 18, 2012) & 5 (Sept. 25, 2012)—Lawyers and Justice

For Week 4, read chapters 1-8 of Carpenter’s Flagrant Conduct. For Week 5, read chapters 9-16. For both weeks, skim Lawrence v. Texas, available on Turtle Talk.

Week 6 (Oct. 2, 2012)—Civility and Empathy

Read “The Anti-Empathetic Turn” and “Michigan Bar Journal Article on Civility”, both available on Turtle Talk

Week 7 (Oct. 9, 2012)—What Have We Learned?

Read “The Space Traders” and “The Speluncean Explorers”, both available on Turtle Talk