If teachers 'need a constant awareness of how students are experiencing their learning and perceiving teachers' actions'[26] then Facebook is certainly one way to open a window on that awareness, and build crucial social presence and student motivation for unit content at the same time.

Future research is planned in relation to the changing atmosphere of Facebook groups as they emerge from intimate small groups to larger groups, and how best to manage this in the context of social presence.

The Momentum Program – digital badging for law students

The Momentum Program is a co-curricular model of credentialing where students can choose to engage in online workshops and challenges to earn credentials recognising professional skills in both traditional and emerging 21st century lawyering.

The need

With large numbers of law graduates competing for the same jobs, anything that can improve a student's CV and portfolio may give them the edge that they need. Employers are looking for graduates with evidence of skills, rather than the traditional academic results.[27]

Conventional approaches to enhancing student skills have involved hard-wiring skills modules into existing academic units, the creation of WIL (work integrated learning) subjects and the use of clinical programs. These approaches can be resource-intensive to administer and assess. This 'intra-curricular' approach also becomes more difficult for those students who are reluctant to engage, a matter which can lead to reputational risk when involving outside parties.

Digital badges are a flexible format to allow educational programs (and others) to credentialise the learning that can sit alongside the curriculum.[28] They are not limited by term dates, students can complete them at their own pace and they can take up opportunities for authentic experiences as they occur, not at the university's convenience.

Crucially badges can also provide a scaffolding for learning. If a *badging framework* (explored below) is well designed it can create a model whereby students can understand what sort of extra-curricular and skills activities are expected of them and realise what choices and alternatives are suggested. Many students are first in family at tertiary education and do not necessarily have the

[26] S. Brookfield (2015) *The Skillful Teacher: On Technique, Trust and Responsiveness in the Classroom*, San Francisco, Josey-Bass.

[27] Coleman KS and Johnson KV (2016) 'Badge Claims: Creativity, Evidence and the Curated Learning Journey', in Ifenthaler D, Bellin-Mularski N & Mah D-K (eds) *Foundations of Digital Badges and Micro-Credentials: Demonstrating and Recognizing Knowledge and Competencies*, Springer.

[28] Ahn, J, Pelliconea, A & Butlera, BS (2014) 'Open badges for education: what are the implications at the intersection of open systems and badging?', *Research in Learning Technology* Vol. 22, 1-13.

professional connections to get accurate information on what capabilities employers desire.

The digital badging technology

The open badging technology, gifted to the commons by Mozilla, provides a secure mechanism to certify skills and accomplishment. A digital badge is an electronic file that includes details of the issue, the recipient, the criteria for achieving the badges and, optionally but also crucially, links to digital evidence of the accomplishment.

This technology is robust but in its infancy. The open badging code has been implemented though various services such as *Credly*, but there remains to be created a comprehensive badging management platform, especially one that allows badging frameworks to achieve their full potential. Some Learning Management Systems implement badging but these suffer from the 'gated community problems of all these systems.

The CQ University Law Program uses Credly to issue badges while all the supporting materials and online workshops are contained in a Google Education Suite platform at cqulaw.net. At present the badges are only offered to current students but there has been interest from outside parties, such as community legal centres. The supporting materials for the badges are published under a creative commons licence so they are free for others to use and adapt, with appropriate acknowledgement.

Badges are a useful vehicle for competency based learning contexts where there is no requirement to grade students. Once a learner has been certified as competent, the attached digital evidence allows a viewer to judge the quality of the work for themselves. Along with the use of professional portfolios this indicates a change in the role of educational providers and the expectations of both learners and employers.

The Momentum Program Model

The CQ University law program has made digital badges the foundation of it *Momentum Program* for engaged students. This is a voluntary and free program that allows students to engage in key challenges that results in the creation of digital evidence to include in their professional portfolios. Some of the challenges are also assessment tasks in units of study, but the higher level challenges require the students to show initiative and commitment to extra-curricular learning.

The Momentum badges are grouped into themed clusters and increase in complexity where a student begins with a level one badge and can eventually work through the set to achieve a level three badges. The five initial sets of badges reflect a mixture of introductory material (Law Fundamentals), traditional clinical learning (Client Interviewing, Law Reform), 21st century lawyering skills (Law Concepts) and career skills (Career Navigator).

Once this set have been fully trialled and evaluated there are many other capabilities that could be included in the Momentum Program. Badges on mooting, court visits, research apprenticeships, system design, risk assessment, change management, excel skills and digital coding skills have been considered. Some consideration needs to be given for using badges to promote ethical professional values and conduct.[29] 'Meta badges' such as milestone badges may promote engagement, for example for reward achieving a goal number of badges in a particular category.

CQ University is, like all institutions, new to the idea of digital badging. The university development group have committed to creating a light-touch regulatory framework that manages risks without stifling innovation. The Australian tertiary education context is heavily regulated with substantial bureaucratic processes require to create or change formal learning content. Digital badges on the other hand are low risk and provide an opportunity to be agile and innovative. The transparent and informal nature of digital credentialing makes it quite different to formal degree development that is opaque to outside scrutiny and incurs substantial costs for learners.

Developing the framework

Some of the research on digital badges indicates that a successful program should not just focus on individual badge design but also on the system of inter-relationships between the credentials; the badging framework.[30] This has particular impact on learner motivation, especially once a number of badges are accrued. Gamification research[31] suggests that in a successful system learners should be able to see the relationship between badges that build on each other toward more ambitious challenges.

Each of the Momentum Badge sets includes five badges, scaled from level one to level five. The first three core badges are supported by online learning modules and include:

- Level one: Observe. The learner observes a professional activity or a simulation/workshop on the topic and then writes a reflective blog post.

[29] Millikan, J. & Brydon, M. (2018). Using Digital Badges as an Innovative way to Promote Values Centered Behaviors. In E. Langran & J. Borup (Eds.), *Proceedings of Society for Information Technology & Teacher Education International Conference* (pp. 1622-1627). Washington, D.C., United States: Association for the Advancement of Computing in Education (AACE). Retrieved May 23, 2018 from https://www.learntechlib.org/p/182745.

[30] Joseph, Barry (2012) 'Six Ways to Look at Badging Systems Designed for Learning', *Online Leadership Program*, www.olpgglobalkids.org/content/six-ways-look-badging-systems-designed-learning, accessed 11/3/14 , Design Principles Documentation Project at http://dpdp.info, accessed 14/6/15.

[31] Ostashewski, N & Reid, D (2015) 'A History and Frameworks of Digital Badges in Education', *Gamification in Education and Business*, 187-200, Beattie S (2016) 'Height v Depth in Badging Framework Design', in Ifenthaler D, Bellin-Mularski N & Mah D-K (eds) *Foundations of Digital Badges and Micro-Credentials: Demonstrating and Recognizing Knowledge and Competencies*, Springer.

- Level two: Practise. The learner, with a group of peers, engages in a simulation activity and then posts a reflection along with any digital evidence created in the process.
- Level three: Apply. The learner applies the skill in a real situation under the supervision of a professional mentor. The mentor's feedback certifies the achievement and forms the foundation of a reflective post that explains what the student has learner.

There are also two higher level badges that recognise student initiative and leadership beyond the core. These are more free-form in definition and are not supported by online resources. They comprise of:

- Level four: Lead. The learner has been a leader in the learning of others, perhaps as part of a mentoring program.
- Level five: Innovate: The learner has created innovative new resources or systems that assists others learning in the field.

Digital badges work well in combination with digital portfolios. All CQU law students are provided with an online portfolio via Google Education Suite in their first term. They are encouraged to develop this throughout their studies through work experiences, volunteering and achieving digital badges. They may submit their portfolio for assessment in a third year elective unit. The first set of Momentum Badges, 'Law Fundamentals' help students understand badges, portfolios and career requirements. Completion of a basic online portfolio will earn the students a Level 3 Law Fundamentals badge which, in a virtuous circle, can then be placed in the student's portfolio.

Observations on the Momentum Program

The Momentum Program is still at early stages of implementation although some preliminary observations have providing insight on future design strategies.

There is an ongoing need to guide students through the emerging evidence-based achievement context where employers will increasingly look to portfolios and digital evidence of achievement in addition to grades. Many students remain disengaged, overcommitted and convinced that "P's make degrees" despite all evidence to the contrary. Australian education generally does not have a strong tradition of extra-curricular activities to encourage students to excel.

Digital credential developers need maintain a focus on what his happening in design of gamification,[32] especially the entertainment games from which badging emerged.[33] As the age profile for gamers changes, there is increasing certainty

[32] Metzer EC, Lubin L, Patten RT & Whyte J (2016) 'Applied Gamification: Creating Reward Systems for Organisational Professional Development', in Ifenthaler D, Bellin-Mularski N & Mah D-K (eds) *Foundations of Digital Badges and Micro-Credentials: Demonstrating and Recognizing Knowledge and Competencies*, Springer.

[33] McDaniel R (2016) 'What We Can Learn About Digital Badges From Video Games', in Ifenthaler D, Bellin-Mularski N & Mah D-K (eds) *Foundations of Digital Badges and Micro-Credentials: Demonstrating and Recognizing Knowledge and Competencies*, Springer.

that new students, and younger academics, will be familiar with these systems as a matter of course and will not be impressed by undeveloped learning badges. For example language around 'challenges' should be used rather than learning task or assessment.

Enthusiasm for badges does not always align to the highest academic achieving students. Passion for volunteering, extra-curriculars and recognition of practical skills can occur throughout the student body.

Badging systems create new opportunities for student leadership and resource development. Badges are an ideal platform for mentoring and the design of the Momentum Program framework build this into the level four badges. Students with higher level badges might also be involved in the assessment process and even in the design and development of new badges.

There is an emerging internationally interest in competency-based learning,[34] although in Australia the term is generally applied to vocational learning only. The ability to provide digital evidence of what the graduate can *do* rather than what they *know* creates potential for unbundled education, recognition of new professional capabilities and some relief from the traditional and costly graded assessment process.

Conclusion

Online legal education has lessons for the classroom. The techniques discussed in this paper can be applied in face-to-face on campus delivery as well as in mixed mode scenarios. Dean Colbran has shown that digital flashcards combined with spaced repetition is a useful technique for improving examination assessment outcomes and building permanent memories of legal content. If you can't remember a legal concept you are less likely to recognise its application and apply it.

Dean Colbran also explored constructionist visual approaches for use in student directed assessments. These approaches are designed for creative thinking, breaking away from purely text-based problem scenarios.

Dr George demonstrated how effective Facebook can be in promoting student social integration. It challenges our notions where we 'hang out'. Building relationships is essential to a motivated cohesive student body.

Associate Professor Beattie explored the concepts of co-curricular micro credentialing and digital badging in the development of legal skills – relating to both traditional and emerging 21st Century lawyering. Badging systems create new opportunities for student leadership and resource development.

[34] Gibson D, Coleman K & Irving L (2016) 'Learning Journeys in Higher Education: Designing Digital Pathways Badges for Learning, Motivation and Assessment', in Ifenthaler D, Bellin-Mularski N & Mah D-K (eds) *Foundations of Digital Badges and Micro-Credentials: Demonstrating and Recognizing Knowledge and Competencies*, Springer.

What all these approaches demonstrate is that engagement with students is critical to their success. Students should be challenged to develop their creativity, expand their comfort zones and produce artefacts of their achievements. We believe all these approaches make law interesting to learn, enhance creativity and promote positive memories.

INSTITUTE FOR Law Teaching and Learning
UA LITTLE ROCK WILLIAM H. BOWEN SCHOOL OF LAW
GONZAGA UNIVERSITY School of Law
WASHBURN SCHOOL OF LAW

Exploring the Use of Technology in the Law School Classroom.

Workshop
5B

Blog Posts and Comments as a Course Component in a Hybrid Professional Responsibility Course

Diane Klein
University of La Verne College of Law

Professor Diane Klein teaches at the University of La Verne College of Law in southern California. She began her career in law teaching in 2000, and has regularly written on intersections of law and popular culture. She also has done graduate work in philosophy, including ethics, and has taught professional responsibility for a number of years. She created the blog she will be talking about here in an attempt to combine these interests, to provide students with vivid examples of attorney misconduct, and to help students become more critical consumers of popular culture.

Klein's PR Onscreen Styleguide & Instruction Sheet

What is "Klein's PR Onscreen"?

Many fictional/scripted movies and television shows (dramas and comedies) include representations of lawyers, sometimes central to the plot and sometimes more peripheral. As you become more sophisticated about the law governing lawyers, you will notice more about these portrayals, and whether they are legally accurate.

Klein's PR Onscreen is a blog that collects up short clips and analyzes them from the point of view of the ABA Model Rules of Professional Responsibility, the applicable jurisdiction's rules, and other related legal issues (such as malpractice, ineffective assistance of counsel, attorney-client privilege).

As part of our course, you will be required to create and publish **blog posts** as well as **comment** on existing blog posts by others.

Blog posts

In order to post, you will need to be added to the blog as an author. To be added, please send your preferred email (Gmail is often best) to Prof. Klein. Once added, you will receive an invitation from Blogger (the website), and will be able to draft posts.

Each post must include a unique video clip of a scene (or a montage of scenes) (generally of less than 5 minutes) from a scripted/non-documentary film or television episode (drama or comedy) that includes a lawyer character and raises one or more professional responsibility issues. Any particular scene (contained in a clip) may be posted only once; the first person to post gets credit.

Format instructions - titles

Motion pictures must be identified by title and year of release; episodes of television series by show name, episode name, season and episode number and name, and date first aired, as follows:

"Movie Title" (Year of release): [Describe topics covered concisely] (MR __)
Television Series Name, "Episode Name" (Season __, Ep. __) (MM/DD/YYYY): Topics covered (MR __)

Do not include Comments to Model Rules in titles.

Do not write the words "Topics covered" - explain in a few words, in sentence capitalization format, what topics are covered in the post.

Do not include jurisdictional rules in the title.

Format and content instructions - text

Do not include a line reading "Contributed by [your name]." This will be added by Prof. Klein when the post is graded, if it is to be published.
Write your post in Blogger (on the page that opens up when you click "NEW POST"). Do not write it elsewhere and cut and paste. Simply write it with the program open (hitting SAVE periodically). Your draft can be saved in Blogger and you can return to it.

To test the technical functionality of your clip, you may press "PUBLISH," then make sure it works, then press "REVERT TO DRAFT." Actually publishing posts will be done by Prof. Klein after the post has been scored and edited as needed.

When writing in Blogger, do not adjust the font, the type size, or color. (Although the blog appears in white on black, this is built in - do not use any special setting.)

Go to "PREVIEW" and make sure the text is legible. Then go back to the editing mode and make sure it is legible there as well. All submissions must be legible in both places to be scored.

The post must identify and describe the professional responsibility issue(s) in question, which may or may not be explicitly addressed in the movie/TV show. To the extent necessary, identify the characters, their relationship to one another, etc.

Discuss the professional responsibility issue(s), in the context of the movie/TV episode, and also under both applicable ABA Model Rules and the specific jurisdiction's rules (if the motion picture or television series is set in another state and you can find that out). If the events depicted occurred in the past, an especially thorough entry will apply the jurisdiction's rules in effect at that time (if different from the current rules); but apply only current Model Rules.

The identification and discussion together should not exceed 500 words per issue addressed (and most issues require much less); if there are multiple issues, the discussion of each issue is limited to 500 words

A single episode of television or a single motion picture may be used to fulfill no more than two submissions (to discuss two or more separate issues)

It is recommended that you not post about a Model Rule or duty until it has been covered in class.

In your post and labels abbreviate Model Rule using "MR" (no periods, no other name). This will insure uniformity. Do not spell it out.

Hyperlink to full-text rules if desired. Do not quote rules at length; quote only the applicable language, suitably edited. All citations should be hyperlinks; no other format is appropriate or needed on a blog.

Determine the jurisdiction in which the events take place, and the applicable rules there (if possible). Do not apply California rules outside California. Many clips you might wish to use are set in past times, when different rules applied. It would be great to do that research, but it is OK to make clear you are applying current Model Rules, that were not in effect at the time.

Identify characters (with actors' names in parentheses). Explain their relationship as needed. No entire movie or episode synopsis is needed or desired. Think of the clip as the fact pattern for an essay question. Everything needs to be there.

Format instructions - video clips

However you cut the clip, the image must fill the frame. If your computer, your phone, your living room furniture, etc., is visible, the clip is unacceptable and cannot be used. Please figure out a way to get a "clean" clip of the relevant part of the show/movie.

Video clips should be centered and posted at the top of the entry. No extra lines above or below.

Once you have finished a post, go to the blog and look at it. You can do this with a DRAFT post in the "EDIT" mode. Make sure the clip is fully functional.

Before finding a clip and analyzing it, it is recommended that you search the blog by movie/TV show title, to make sure that what you wish to post will be unique.

- **Do not use (so-called) "reality television."**
- **Do not use the news.**
- **Do not use documentaries.**
- **Do not use any material in which someone appears as themselves.**
- **Do not use a fictionalized version of true events (in other words, if any "character names" are the names of real people, the clip is not permitted) (for example, DO NOT USE "A Civil Action" or "The People v. O.J. Simpson").**
- **"Spoofs" are permitted, although it is preferred that no real person be depicted.**

Do not post entire movies/TV show episodes. This risks copyright infringement. A short clip is protected by Fair Use for this educational, non-commercial, critical/political use.

Scenes that have already been posted are not eligible for posting or further credit (although you may comment on them, as below).

The motion picture or television series may be current or past, but must be generally commercially available (ideally free, but otherwise by rental, NetFlix, "On Demand" television viewing, etc.).

Your clip must show the conduct at issue. If you need to tell more of the story, including facts not shown, in order to present the problem, your clip is not satisfactory.

Format instructions - labels

Labels allow users of the blog to find all the posts that address a particular topic or rule - anything mentioned in the body of the post.

Your blog post should include "LABELS," for the key concepts of the post, including the rules addressed. This function is in the right-hand column. Use whichever are appropriate search terms for your post, adding new ones if necessary. Include the jurisdiction (if known), Model Rules, and important terms. If the label you need is not there, you may add it. (There is a total character limit of 200 characters for labels.)

Do not include Comments to the MR in Labels. Do not include the name of the movie/television show in the Labels. Do not capitalize common nouns in the Labels. Do not use jurisdictional rules as labels.

When your post is ready to be graded, add the words "READY TO GRADE" to the TITLE. This will allow Prof. Klein to determine easily which posts are still in draft form, and which are complete. Blog posts will be graded in the order completed.

Blog comments

A comment should be posted with the blog entry, and should be 50-100 words, meaningfully supplementing or disagreeing with the blog post. For example, if the post argued that the conduct was a violation of a particular rule, and you think it violated a different rule, or that an exception or defense applied, you could explain that. You may submit more than five comments; your best five will be scored for credit.

To **comment**, you can simply visit Klein's Professional Responsibility Onscreen at http://pronscreen.blogspot.com/.

Grading Rubric

4	The post is virtually publishable as-is. Only the most minor corrections are needed. All formatting is perfect in form and all content is completely accurate. Legal analysis is complete and correct; no Rule or subpart is omitted. The jurisdiction is identified if possible, and its rules are properly identified and applied. Rules are hyperlinked to the text. The writing is correct in spelling, grammar, usage, and punctuation. The clip is perfectly legible and audible; it covers all needed material and no more; it is technically functional. A complete and correct set of labels are included.
3	The post requires light to moderate editing. Jurisdiction may be omitted. Minor Rule subparts may be omitted. The writing may require some editing or clarification. Some labels may be missing. The title format may need revision and correction.
2	The post is technically functional but seriously deficient in either form, content, or

	both. Significant research is required in order to add necessary information, factual or legal. Information is incorrect; there are misspellings; analysis is incorrect or missing. Important Rules are omitted or mis-applied.
1	The clip is minimally functional; the formatting disregards nearly all rules of format; crucial information (factual and legal) is missing from the title and analysis; the post needs to be almost entirely rewritten (including researched). The clip amounts to "raw material" for a post, rather than being a post itself.
0	The post duplicates a clip already published on the blog.

PROF. DIANE KLEIN
PROFESSIONAL RESPONSIBILITY
FALL 2017
LAW 675/CRN 2459
Revised November 17, 2017

THIS SYLLABUS EXISTS ON GOOGLE DOCS AT
https://docs.google.com/document/d/1BDpDN-wxQhjJTrUAlPgYpp1RNSR0Bos7nqeQ-dPXq2U/edit?usp=sharing

THE MOST UPDATED VERSION OF THE SYLLABUS IS ONLINE. DO NOT RELY ON ANY PAPER PRINTED VERSION. YOU ARE RESPONSIBLE FOR THE MOST UPDATED VERSION.

PROFESSOR:	Diane Klein
PROFESSOR CONTACT:	dianeklein66@gmail.com
MEETING:	Tues, 1:30-3:30pm.
ROOM:	**216**
MIDTERM:	Administered electronically through TWEN (TBD), may be taken during any one hour period on October 9-13, 2017
BLOG POSTS DUE:	September 8, 2017; October 20, 2017; November 17, 2017
FINAL EXAM:	Two hour in-class exam, date TBD

DESCRIPTION OF COURSE

This Professional Responsibility course satisfies the graduation requirement in this subject. It is also designed to prepare students for the MPRE examination administered November 4, 2017, as well as for the California bar examination in this subject.

Students are not required to take the MPRE in November, 2017; however, the course is designed to cover all MPRE-examined content (the ABA Model Rules of Professional Conduct) in the first eleven weeks. The last three weeks of the course will focus exclusively on the California Rules of Professional Conduct, especially where they differ from the Model Rules. The course will also be coordinated with the CABR BEST program for MPRE preparation, which begins in approximately the eighth week..

This Professional Responsibility course is also a partial "hybrid" course, which includes both in-class instructional time and a distance education component.

Distance Education: Four weeks of our fourteen-week course will be conducted in the form of "distance education." Because this is less than one-third of the instruction, ABA Standard 306 is not explicitly implicated. However, it is my intention that the distance education component of our course will be in compliance with and guided by Standard 306, and will function as part of an ongoing experiment in offering Standard 306 courses at the University of La Verne College of Law. Your cooperation, participation, and input into this process are essential. Various online monitoring functions will be used to determine whether students are engaged in Distance Education activities during the relevant weeks. Failure to engage in those activities as scheduled will result in an absence for that week.

Distance Education weekly activities will be added to this Syllabus no later than Tuesday of the relevant week.

TEXTBOOKS AND OTHER MATERIALS

(1) Bradley Wendel, Examples & Explanations: Professional Responsibility (5th ed.) (2016)

(2) Dzienkowski's Professional Responsibility, Standards, Rules and Statutes, 2017-2018
Abridged ISBN: 9781683287711

(3) **Klein's Professional Responsibility Onscreen**, at http://pronscreen.blogspot.com/.

Details for posting can be found at the Styleguide and Instruction Sheet. The link is here: https://docs.google.com/document/d/1HKBp9Y7sw51koW8ocwKY4imAVIh44SZkT82l4KeboP8/edit?usp=sharing

(4) Subscribe to this course **on TWEN. It may ALSO be required to enroll on Blackboard; Prof. Klein will make an announcement in class.**

(5) Other materials may also be assigned from time to time. Where fully-cited cases are identified as part of the reading, you are expected to find, read, and brief the case in its entirety. These will typically be California cases that apply California rules.

CATALOG COURSE DESCRIPTION

This course is a study of the organization of the legal profession and the duties and responsibilities of lawyers toward clients, the public, the courts, and other attorneys. This study of the standards and processes by which lawyers are disciplined gives particular attention to the Model Rules of the American Bar Association and the rules and statutes governing California attorneys.

PROGRAM LEARNING OUTCOMES (ULV COL) ADDRESSED IN THIS COURSE

1. Students shall demonstrate knowledge and understanding of substantive...law.

   - The substantive law in our course is the law governing lawyers, as assessed by the MPRE (the Model Rules) and the California Bar Exam (California Rules of Professional Responsibility)

2. Students shall demonstrate competence in legal analysis and reasoning.

   - In our course, the legal analysis and reasoning will focus on problems raised by issues of professional responsibility, including conduct which subjects lawyers to professional discipline, as well as malpractice and other tort liability.

3. Students shall demonstrate competence in conducting legal research.

   - Although our course does not have a large research component, some legal research on matters of the law governing lawyers (including case-finding) will be required.
   - Students will become familiar with the resources found on website of the California Bar.

4. Students shall demonstrate competence in problem-solving.

- In our course we will learn to solve complex problems of professional ethics, including evaluation of the demands of confidentiality and the avoidance of conflicts of interest.

5. Students shall demonstrate competence in written and oral communication.

- Oral communication skills will be developed in class. Written communication skills will be assessed through the essay-based final examination.

 # 6 below is the primary program learning outcome to which our course is connected.

6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.

- The central purpose of our course is to provide students with the substantive legal knowledge that will enable them to exercise these responsibilities. The course will also endeavor to motivate students to do so, both by exploring the negative consequences of failure to carry out these responsibilities, and the positive value of doing so.

7. Students shall demonstrate competent litigation skills.

- Many PR issues and challenges arise in the context of representing clients in litigation. Acquisition of litigation skills therefore includes sensitivity to PR issues and ability to resolve them.

8. Students shall demonstrate competent transactional skills.

- Certain PR issues are most commonly raised in transactional contexts (joint representation, entity clients). Competent transactional skills therefore includes ability to identify and resolve these issues.

9. Students shall apply cultural competency while exercising their legal skills.

- In our course, attention will be drawn to cultural competency issues as these arise in communicating with clients and avoiding PR pitfalls resulting from lack of cultural competence.

Note about academic honesty and Distance Education

Interpretation 306-2 of ABA Standard 306
Methods to verify student identity as required in Standard 306(g) include, but are not limited to (i) a secure login and pass code, (ii) proctored examinations, and (iii) other technologies and practices that are effective in verifying student identity. As part of the verification process, a law school shall verify that the student who registers for a class is the same student that participates and takes any examinations for the class.

Comment from Prof. Klein on Interpretation 306-2
The PR Onscreen blog and Blackboard both require secure login and passcodes, in satisfaction of (i) above. Logging in/signing in for another, or allowing another to do so for you, will be regarded as cheating

and will be punished to the maximum extent permitted by our policies. Our final exam will be proctored, as required by (ii), although our Midterm will be administered under an honor code system, which I believe suffices under (iii).

BASIS OF GRADE

3 points	Reading Quiz at 1st class
12 points	**Blog contributions (3 contributions required, max. 4 points each) DUE DECEMBER 15, 2017, by 5pm**
10 points	Comments on blog posts by others (5 comments required, max. 2 points each) **DUE DECEMBER 15, 2017, by 5pm**

Styleguide & Instruction Sheet for Blog and Comments

15 points	Midterm (30 question multiple-choice test, MPRE style, timed take-home exam)
60 points	Final examination (2 1-hour essay questions, California bar exam-style, in class)
100 points	TOTAL

Disability accommodations statement

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law, Director of Student Affairs and Americans with Disability Act Compliance Officer, Jullie McCurdy, Ph.D. by email at jmccurdy@laverne.edu or by phone at 909.460.2046. Her office is located on the first floor of the College of Law, Office #102. You can also contact Cindy Denne at the University of La Verne Disabled Student Services office at 909.448.4938. The office is located at 2215 E Street. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. We are here to help you succeed in law school. Visit us online at http://sites.laverne.edu/disabled-student-services/

Class preparation

Reading

The reading for our class ranges from 55-85 pages a week, and you are expected to have done all of it before class. I anticipate that class preparation should require approximately 4 hours a week, in addition to 2 hours of face-to-face classtime or Distance Education.

Blog

For every week, please visit the blog and view at least a view clips that address the Model Rules we are studying that week. (The blog is searchable and posts are labeled.)

Class preparation - Unit II (California Rules of Professional Conduct)

In Unit II, we will revisit the topics covered in Unit I, but under the California Rules. The Examples and Explanations book itself provides answers to the problems in it; these answers are usually based on the ABA Model Rules and occasionally also cite cases and other materials from the ABA or various jurisdictions). Your task for class preparation is to confirm whether the answer would be the same under California law and rules; if so, under what authority; and if not, you will need to explain how the situation would be treated under California law and rules. Every answer must be based on a California rule, law, or case.

Class preparation for the California unit also involves case briefing, which you are also expected and required to do, in advance of class.

Serial unpreparedness (of problems and case briefs) will result in your dismissal from class and absences for the class hours missed. Excessive absence (whatever the reason) will result in being dropped from the class.

NOTE: The actual MPRE consists of 60 questions, of which only 50 are scored. A "scaled score" of 86 is required to pass (approximately 21-22 of the scored 50 questions). On the Midterm, all questions will be scored, and it is anticipated that a passing score on the Midterm will be a 17 or above

Final exam
The final exam will take place on [date TBD]. It will be a 2-hour, closed-book, in-class exam, consisting of two one-hour essay questions, in California Bar Examination style. It will be worth 60 points (30 points for each question) (out of the 100 points available for the class).

COURSE OUTLINE

Week 1 (August 22): Introduction to the law governing lawyers

Your tasks:
(1) Read Wendel, Chap. 1 and Chap. 20 (and read through the Examples and Explanation questions and answers with care)
(2) Read the ABA Model Rules of Professional Conduct, 1.0-8.5. (The numbered Comments are optional.) In the Dzienkowski book, the rules themselves are in **bold face**. You are not required for this assignment to read the Comments. The goal of reading all of the Rules at this stage of the course is to get a sense of the topics that are covered by the Rules, and the general approach taken.
(3) Register for our course on TWEN..
(4) Visit the blog at https://pronscreen.blogspot.com/ and post a comment on one of the entries. Your comment must be posted by midnight, August 22, 2017, to receive full credit

Unit I: The ABA Model Rules of Professional Conduct

A. DUTIES TO CLIENTS

Week 2 (August 29): Formation/termination of the attorney-client relationship (Chap. 2, pp. 23-42)
MR 1.16, MR 1.18
Chapter 2, Q. 1-2, 4-5
We will also finish our overall review of the Rules.
Worksheets:
MR 1.16
MR 1.18

Week 3 (Sept 5) **NO ON-CAMPUS MEETING/DISTANCE EDUCATION # 1**: Fees and Financial Transactions With Clients

(1) Read Chapter 4 (pp. 77-99) and Chapter 17 (pp. 427-437)
(2) Two video lectures are available (Fees and Financial Transactions With Clients), on TWEN.

(3) The "Avvo" model: Violation of MR 7.2?

- New York State Bar Association Ethics Opinion 1132 (August 8, 2017)
- The North Carolina approach (July 26, 2017)

(4) When you have finished watching the lectures and doing the reading, take the quiz on TWEN. You will have 30 minutes to complete the quiz once you start it. In order to receive full attendance credit for this week (Distance Education), you must complete the quiz. You must **complete** the quiz by 9am Friday, September 8, 2017. Late submissions will not be accepted.

(5) **First blog post due by 5pm, Friday, September 8, 2017**

Please read the Styleguide & Instruction Sheet with care as you prepare your blog post
NEW INSTRUCTION: When your post is ready to be graded, add the words "READY TO GRADE" to the TITLE. This will allow Prof. Klein to determine easily which posts are still in draft form, and which are complete. Blog posts will be graded in the order completed.

Week 4 (Sept 12): The ongoing relationship (duties to current clients) (Chapter 3, pp. 43-76)

A quick current event of PR significance: Who is William Burck of Quinn, Emanuel?
http://www.palmerreport.com/opinion/same-attorney-priebus-mcgahn/4868/

MR 1.2
MR 1.4
MR 1.14
MR 4.2

Week 5 (Sept 19): Representing entities and groups (Chapter 5, pp. 101-127)

Another quick current event of PR significance: What were Ty Cobb and John Dowd doing/thinking?
https://www.washingtonpost.com/news/morning-mix/wp/2017/09/18/trump-lawyers-spill-beans-after-terrible-restaurant-choice-next-to-nyt/?utm_term=.d5118421419e

MR 1.13

Week 6 (Sept 26):
Topic 1: Incompetence (malpractice and ineffective assistance of counsel) (Chapter 6, pp. 129-153);

Topic 2: Truth-telling and lying by lawyers and clients (Chapters 10-12, as set out below. I have not included the problems in the text, although I do recommend that you read the Examples and Explanations to deepen your understanding.)

- READ pp. 233-240
- SKIM pp. 248-250
- READ pp. 251-253
- SKIM pp. 261-268
- READ pp. 270-272
- READ pp. 280-281
- SKIM pp. 284-288
- READ pp. 292-294
- READ pp. 295-296
- SKIM "Securities fraud," pp. 296-297
- READ pp. 297-301

B. CONFIDENTIALITY

Week 7 (Oct 3): Read Chapters 7, 8, and 9 (pp. 155-230)
A v. B., 726 A.2d 924 (N.J. 1999)

Week 8 (Oct 10)
DISTANCE EDUCATION # 2 Confidentiality Flowchart project

Please submit any suitable proof that you have created a flowchart no later than Friday, October 13, at 5pm. You may attach the flowchart to an email, or, if it is handwritten, scan and attach it, or simply take a snapshot and attach that to an email message.

Optional: ADD TO CONFIDENTIALITY:
Dennis J. Ventry, Jr. (UC-Davis), Stiches for Snitches: Lawyers as Whistleblowers, 50 U.C. Davis L. Rev. 1455 (2017):

MIDTERM ADMINISTERED THROUGH TWEN

The Midterm will include some of the confidentiality material and all preceding material. Students are encouraged to complete the Confidentiality Flowchart project before taking the Midterm (although this is not required).

CABR BEST MPRE REVIEW BEGINS

Week 9 (Oct 17)

C. CONFLICTS OF INTEREST

MR 1.7, 1.8, 1.9 [NOT ASSIGNED IN ADVANCE/NO PREPARATION REQUIRED FOR THIS WEEK]

Blog Post # 2 is due no later than Friday, October 20, 2017. Please put the words "BLOG POST # 2 READY TO GRADE" in the TITLE of your post when it is ready.

http://www.palmerreport.com/opinion/same-attorney-priebus-mcgahn/4868/

Week 10 (Oct 24)
[Prof. Klein will be traveling with Dean Marshall to the 2017 Assessment Institute in Indianapolis, Indiana, to help the College of Law prepare for the Spring 2019 ABA Site Visit.]

Conflicts of interest flowchart due Friday, October 27, 2017 (by 5pm).

Week 11 (Oct 31)

Chapter 18 (pp. 451-473) Advertising/solicitation
MR 7.1-7.5

Saturday, November 4, 2017: MPRE

Unit II: The California Rules of Professional Conduct

Week 12 (Nov 7) Formation; org as client, conflicts, confidentiality overview under CA law; UPL
The California Bar recently launched a new website. Please visit www.calbar.gov.
[Assignment will be added]

U.S. v. Nicholas, 606 F.Supp. 2d 1109 (C.D. Cal. 2009) and
U.S. v. Ruehle, 583 F.3d 600 (9th Cir.2009) (org as client, conflicts, confidentiality)

Birbrower v. Sup. Ct., 949 P.2d 1 (1998) (UPL)
Answer under CA law: Chapter 1, Ex p. 15 and p.18 (2 versions of the same question); Chapter 20, Q. 2-4, 7;
CA RPC 1-100; 1-110; 3-700; 3-100

Week 13 (Nov 14) LAST IN-PERSON MEETING
Continued review of California law as compared/contrasted with Model Rules.

Week 14 (Nov 21) DISTANCE EDUCATION # 3
Complete your MR/CA correlation/significant differences chart. That chart should be submitted (attached to email) no later than Friday, November 24, 2017, at 5pm.

Extra/optional: Interesting article from the Cal Bar website on digital devices and confidentiality during international air travel.