First Class Assignment, as explained on the syllabus included below:

I. INTRODUCTION TO PROFESSIONAL RESPONSIBILITY AND THE REGULATION OF LAWYERS

8/17 Views of the Legal Profession; Sources of Law; Reporting Misconduct; Malpractice
Readings: Lerman: pp. 43-51, 100-105, 111-120; Problem 2-3
LGL, Model Rules, Rules 5.1, 5.2, 5.3, 8.3
Syllabus, Part I

PROFESSIONAL RESPONSIBILITY
Prof. Elizabeth Samuels
Fall 2015
AL Room 504
Monday/Wednesday
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GOALS FOR THE COURSE:
- Learn to identify ethical issues as they arise in practice.
- Gain familiarity with the ABA Model Rules of Professional Conduct and, when relevant, how state rules differ from the Model Rules.
- Engage in a critical analysis of the Model Rules, including the policies underlying them.
- Explore crucial issues facing the legal profession and its societal role.
- Reflect on the personal and professional choices available to law students and lawyers.

REQUIRED TEXTS: Lisa Lerman & Phillip Schrag, ETHICAL PROBLEMS IN THE PRACTICE OF LAW (3D ED.) [Lerman]

ASSIGNMENTS: Assigned readings are set forth below. Readings will be supplemented with materials on the course TWEN site.

Unless noted otherwise, assignments in the LGL, Model Rules, refer to the Rule number of the current version of the American Bar Association's Model Rules of Professional Conduct. When assigned a Rule to read, you should review both the assigned Rule and skim the “Comments” associated with the assigned Rule. Sometimes the syllabus lists specific Comments to read carefully.

For the Lerman text, you need not read the “Problems” in the text unless noted in this syllabus. Please be sure to bring both assigned texts to each class.

Revised syllabi will be distributed as necessary.

WEB PAGE: This course has a TWEN page through Westlaw. The page will include this syllabus and future revised syllabi, readings, and other materials. The site will also facilitate e-mail communications, including messages about the substance of the course and, if necessary, announcements about class cancellations or make-up classes.

GRADES: Twenty percent of your grade will be based on an in-class, 45 minute multiple choice midterm examination. The examination will cover secrecy and conflicts of interest. The exam may include matters covered in class or in the assigned readings whether or not we discuss the readings in class. You may bring the LGL, Model Rules text to the examination, but the text cannot contain notes or outlines; only highlighting, underlining, and cross-referencing are permissible. You may not bring any other materials to the exam. Please consult with me if you have questions regarding what notations in the text are permissible.
Eighty percent of your grade will be based on a final in-class examination. The exam may include matters covered in class or in the assigned readings whether or not we discuss the readings in class. You may bring the LGL, Model Rules text with you to the exam, but the text cannot contain notes or outlines; only highlighting, underlining, and cross-referencing are permissible. You may not bring any other materials to the exam. Please consult with me if you have questions regarding what notations in the text are permissible.

Additional grading adjustments: Preparation and participation are essential to your success in the course. These are key components of professionalism as well. I retain discretion to reward strong class participation by raising your grade one-half step. Please note that the most important factor in assessing class participation is thoughtful quality, not mere quantity.

Attendance in class is crucial. I will distribute an attendance sheet each class. ONLY THE LISTED STUDENT MAY SIGN THE ATTENDANCE SHEET. Apart from exceptional circumstances, I will deem all absences unexcused unless I receive notice by email, telephone, or some other means prior to or within twenty-four hours after an absence. I retain the discretion to reduce your grade by one-half step in light of excessive unexcused absences or excessive tardiness. This is separate from other consequences recommended or mandated by School of Law attendance policies.

Laptops in class are to be used solely for note taking or access to class materials that are being discussed. Use of laptops for other purposes is unprofessional, disrespectful, and distracting to other students. A violation or violations of this rule may result in prohibiting the use of the laptop or reducing of your grade by one-half step or both.

OFFICE HOURS: Mondays and Wednesdays, 1:45 to 2:45 p.m. Or make an appointment for another time, or drop by whenever I am in the office, or telephone and leave a message with the best number and times to reach you.

ASSIGNMENTS

I. INTRODUCTION TO PROFESSIONAL RESPONSIBILITY AND THE REGULATION OF LAWYERS

8/17 Views of the Legal Profession; Sources of Law; Reporting Misconduct; Malpractice
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LGL, Model Rules, Rules 5.1, 5.2, 5.3, 8.3

II. ELEMENTS OF THE ATTORNEY-CLIENT RELATIONSHIP

8/19 A Timeline of Representation; Competence and Diligence
Readings: 280-291; 370-372
LGL, Model Rules, Rules 1.1, 1.2, 1.3, 1.4, 1.16; the Restatement of The Law Governing Lawyers § 14
8/24  Introduction: Confidentiality
Readings: Lerman, pp. 160-173, Problems 3-1, 3-2
LGL, Model Rules, Rule 1.6

8/26  Exceptions to Confidentiality
Readings: Lerman, pp. 173-200, Problems 3.3-3.5, 3-7
LGL, Model Rules, Rule 1.6

9/2  Confidentiality: Financial Harms and Organizations
LGL, Model Rules, Rules 1.2(d) and Comment [10]; 1.13(a), (b), (c) and Comment [2]

9/7  Attorney-Client Privilege
Readings: Lerman, pp. 231-253; 265-271

9/14  Secrecy: Review
Readings: Lerman, pp. 227-228
“Secrecy -- In Class Review Problem” (TWEN)
“Secrecy -- In Class Review Problem - Organizations” (TWEN)
Lerman, Problem 3-9

9/16  The Client Perjury Problem
Readings: Lerman, pp. 655-665, 668-671
LGL, Model Rules, Rules 3.3, 8.4

IV. CONFLICTS OF INTEREST

9/21  Introduction to Conflicts of Interest
Readings: Lerman, pp. 388-412, Problems 6-1, 6-3
LGL, Model Rules, Rules 1.7, 1.8 (skim), 1.9(a), 1.10 (a)

9/23  Concurrent Conflicts
LGL, Model Rules, Rules 1.7 and Comment 6, 1.8
In Class Problem -- Concurrent Conflicts (TWEN)

9/28  Concurrent Conflicts/Conflicts in Representing Organizations
Readings: Lerman, pp. 428-434
LGL, Model Rules, Rule 1.7, 1.9, 1.10 (a), 1.13(f) and (g)
In Class Review Problem -- Concurrent Conflicts of Interest (TWEN)
In Class Review Problem -- Organizations (TWEN)

9/30  Successive Conflicts
Readings: Lerman, pp. 472-494
LGL, Model Rules, Rule 1.7, 1.9(a) and (c), 1.10 (a), 1.18
Lerman, Problem 8-1
10/5  Conflicts Review/Midterm Review
Readings:  In Class Conflicts Review Problem (TWEN)
            LGL, Model Rules (as needed)
            Midterm Review Questions (TWEN)

10/7  MIDTERM