

PROFESSIONAL RESPONSIBILITY

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Elon Law School
Fall 2018
Section A: Monday & Wednesday, 11:00 am - 12:30 pm, Room 207
Section B: Monday & Wednesday, 3:15 - 4:45 pm, Room B106

Description

This course is intended to acquaint students with the organization and regulation of the legal profession. Upon successfully completing the course, students should be familiar with the ABA Model Rules of Professional Conduct and other laws governing the profession, and understand how lawyers encounter and handle ethical issues as they arise in practice.

Course Material

Casebook & Rules (Required)

Barbara Glesner Fines, *Professional Responsibility: A Context and Practice Casebook* (Carolina Acad. Press 2013) (“Casebook”)

ABA Model Rules of Professional Conduct (2018) (Online at the [ABA website](#) and various print editions.)

Additional Material

Course website: emfink.net/ProfessionalResponsibility

Optional hornbook: Grace M. Giesel, *Mastering Professional Responsibility* (2d ed., Carolina Acad. Press 2015)

Requirements & Grading

I expect you to read the assigned material thoroughly before class, attend each class meeting, and participate actively in class. Your grade will be based on unit quizzes (25%) and a final examination (75%). The quizzes and final examination will consist of multiple choice questions, similar in format to the Multistate Professional Responsibility Examination (MPRE).

Excessive absences (2 or more classes), persistent lack of preparation, or inattention during class (including but not limited to inappropriate use of computers or electronic devices) may result in a reduction of your grade.

Elon Law School has adopted the following attendance policy for all courses:

The Law School administers a policy that a student maintain regular and punctual class attendance in all courses in which the student is registered, including externships, clinical courses, or simulation courses. Faculty members will give students written notice of their attendance policies before or during the first week of class. These policies may include, but are not limited to: treating late arrivals, early departures, and/or lack of preparation as absences; imposing grade or point reductions for absences, including assigning a failing grade or involuntarily withdrawing a student from the class; and any other policies that a professor deems appropriate to create a rigorous and professional classroom environment.

In case of illness or emergency, students may contact the Office of Student and Professional Life, which will then notify the student's instructors. A student may notify the faculty member directly of a planned absence and should refer to individual faculty members regarding any policy that may apply. In the case of prolonged illness or incapacity, the student should contact the Office of Student and Professional Life.

The Law School honor code applies to all activities related to your law school study, including conduct during class and examinations.

Schedule & Reading Assignments

1 The Legal Profession

1.1 Law as a Profession

- Casebook: Chapter 1 (3-15)
- ABA Model Rules: Preamble & Scope

1.2 Regulation of Lawyers

- Casebook: Chapters 2, 3, & 4 (17-89); Chapter 25 (585-598)
- ABA Model Rules: 1.0, 5.1-5.7, 8.1-8.5

2 The Attorney-Client Relationship

2.1 Forming & Ending the Relationship

- Casebook: Chapter 5 (91-103); Chapter 24, Parts 1-3 (555-572)
- ABA Model Rules: 1.8(f), 1.13, 1.14, 1.16, 1.18, 4.2, 6.1, 6.2, 6.3

2.2 Competence, Diligence, Malpractice, & Ineffective Assistance

- Casebook: Chapter 6 (105-129); Chapter 24, Part 4 (573-581)
- ABA Model Rules: 1.1, 1.3, 1.14, 2.1

2.3 Attorney Fees & Client Property

- Casebook: Chapter 7 (131-151)
- ABA Model Rules: 1.5, 1.8, 1.15

2.4 Advertising & Solicitation

- Casebook: Chapter 26 (599-627)
- ABA Model Rules: 7.1-7.6

2.5 Communication Between Lawyer & Client

- Casebook: Chapter 8 (153-170)
- ABA Model Rules: 1.2, 1.4, 1.14, 2.1

2.6 Attorney-Client Relationship: Review & Quiz

- Casebook: 171-178, 628-631

3 Confidentiality

3.1 Duty of Confidentiality & Evidentiary Privileges

- Casebook: Chapter 9 (179-206)
- ABA Model Rules: 1.6, 1.9(c), 1.13, 1.18

3.2 Exceptions to Confidentiality & Privilege

- Casebook: Chapters 10 & 11 (207-253)
- ABA Model Rules: 1.6, 1.13, 4.4(b)

3.3 Confidentiality: Review & Quiz

- Casebook: 254-258

4 Conflicts of Interest

4.1 Conflicts: General Principles

- Casebook: Chapter 15 (347-359); Chapter 17 (381-402)
- ABA Model Rules: 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.18

4.2 Conflicts Between Lawyer & Client

- Casebook: Chapter 16 (361-379)
- ABA Model Rules: 1.7, 1.8, 6.4, 6.5

4.3 Conflicts Among Clients

- Casebook: Chapters 18 & 19 (403-448)
- ABA Model Rules: 1.7, 1.9, 1.13

4.4 Imputed Conflicts

- Casebook: Chapter 20 (449-455)
- ABA Model Rules: 1.9(b), 1.10

4.5 Conflicts: Review & Quiz

- Casebook: 456-462

5 Limits on Zealous Advocacy

5.1 Candor to the Court

- Casebook: Chapter 12 (259-291)
- ABA Model Rules: 1.2(d), 1.6, 3.1, 3.3, 3.4(b), 4.1, 8.4

5.2 Misconduct in Litigation

- Casebook: Chapter 21 (463-510)
- ABA Model Rules: - 3.1-3.9

5.3 Communications with Litigants, Witnesses, and Jurors

- Casebook: Chapter 22 (511-531)
- ABA Model Rules: 3.5, 4.2, 4.3

5.4 Misrepresentations in Negotiations

- Casebook: Chapter 13 (293-315)
- ABA Model Rules: 1.6, 4.1

5.5 Client Counseling

- Casebook: Chapter 14 (317-337)
- ABA Model Rules: 1.2, 1.6, 1.13, 1.16, 2.1

5.6 Limits on Zealous Advocacy: Review & Quiz

- Casebook: 338-344, 548-552