

Professional Responsibility

Elon Law School
Fall 2024
Monday & Wednesday 9:45–10:45 am
Room 207

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Description

This course is intended to acquaint students with the organization and regulation of the legal profession, the nature of the attorney-client relationship, and the duties that attorneys owe to clients and others. Upon successfully completing the course, students should be familiar with the ABA Model Rules of Professional Conduct and other sources of law governing the legal profession, and be able to apply these rules to issues that arise in legal practice. The course will also help prepare students for the Multistate Professional Responsibility Examination (MPRE), but will not cover all of the topics tested on that exam.

Materials

Required

Casebook: Professional Responsibility: An Open-Source Casebook (v.2.1 2023). Available on the course website: emfink.net/PR. The website also has review questions and links to other resources.

Suggested

Hornbook: Grace M. Giesel, Mastering Professional Responsibility (2d ed., Carolina Academic Press 2015).

Policies

Grading

Your grade will be based on a final examination consisting of multiple choice

questions, similar in format to the Multistate Professional Responsibility Examination (MPRE). You will receive a copy of the Rules of Professional Conduct to use during the exam, which will otherwise be closed-book/closed-notes. The exam will take place during the Fall Term exam period (Dec. 2-9, date and time TBA)

Attendance

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.

Disability Accommodations

For disability accommodation requests, contact Monica Isbell, misbell@elon.edu, Director of Disability Resources.

Honor Code

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

Schedule & Assignments

Date	Topic	Assignment
	Part I: The Legal Profession & Regulation of Lawyers	
September 4	Regulatory Institutions	Casebook, Chap. 1, § 1; Giesel, Chap. 1
September 6 & 9	Professional Gatekeeping	Casebook, Chap. 1, § 2; Giesel, Chap. 2
	Part II: Advertising & Solicitation	
September 11	Advertising; Solicitation	Casebook, Chap. 2; Giesel, Chap. 45 & 46
	Part III: The Attorney-Client Privilege	
September 16	Establishing & Ending an Attorney-Client Relationship	Casebook, Chap. 3, § 1; Giesel, Chap. 4, 11, & 12
September 18	Attorney as Agent, Client as Principal	Casebook, Chap. 3, § 2; Giesel, Chap. 8 & 14
September 23	Organizational Clients	Casebook, Chap. 3, § 3; Giesel, Chap. 13
September 25	Attorney Fees & Client Property	Casebook, Chap. 3, § 4; Giesel, Chap. 9 & 10
	Part IV: The Duty of Care	
September 30 & October 2	Competence, Malpractice, & Ineffective Assistance	Casebook, Chap. 4; Giesel, Chap. 5-7, 24
	Part V: Confidentiality & Privileges	
October 7 & 9	Duty of Confidentiality	Casebook, Chap. 5, § 1; Giesel, Chap. 15
October 14 & 16	Attorney-Client Privilege & Work-Product	Casebook, Chap. 5, § 2; Giesel, Chap. 16
	Part VI: Conflicts of Interest	
October 21 & 23	Concurrent Client Conflicts	Casebook, Chap. 6, § 1; Giesel, Chap. 17 & 18
October 28 & 30	Conflicts Involving the Lawyer's Interests	Casebook, Chap. 6, § 2; Giesel, Chap. 21

Date	Topic	Assignment
November 4 & 6	Former Client Conflicts & Imputation	Casebook, Chap. 6, §§ 3 & 4; Giesel, Chap. 19, 20, 22, & 23
November 11 & 13	Part VII: Duties in Litigation Integrity of the Proceedings	Casebook, Chap. 7, § 1; Giesel, Chap. 26-32
November 18	Prosecutorial Misconduct	Casebook, Chap. 6, § 2; Giesel, Chap. 33
November 20	Part VIII: Interactions with Non-Clients Truthfulness & Fairness; Dealing with Represented Persons; Dealing with Unrepresented Persons	Casebook, Chap. 7; Giesel, Chap. 35-37
November 25	Final Review	
TBA	Final Exam	
