

NORTHEASTERN UNIVERSITY SCHOOL OF LAW

SEMINAR: PROFESSIONAL RESPONSIBILITY

FALL 2010 SYLLABUS

Instructor: Melinda Drew

Office: 27CG

Phone: 617 373-3960

Enrollment: Limited to 14

E-Mail: m.drew@neu.edu

Office Hours: Open Door and/or By Appointment

Required Texts:

- 1) Lerman & Schrag, Ethical Problems In The Practice of Law, 2nd Edition ("CB") and
- 2) Rules Supplement (any 2010 version) containing the Model Rules of Professional Conduct ("MRs")

Please Note: When your reading includes a problem, I expect that you will read the problem, consider possible answers, and be prepared to discuss them in class. When a particular team of students is assigned to a given problem, the assigned team will lead the discussion but everyone will be expected to participate in the discussion.

Supplemental Readings: All are on **TWEN**. Also on **TWEN** are useful links to other sites about professional responsibility issues and news. Please sign onto TWEN as I will use it to communicate with the entire class if something comes up that you all need to know.

Assignments:

- 1) There will be three written assignments on which I will give you feedback.
- 2) Each student will be part of a team of experts which will be responsible for leading a discussion on in-class problems.

Course Description: This seminar is for upper level students who want to improve their analytical and writing skills while simultaneously fulfilling the 3 credit upper level Professional Responsibility requirement. Through a combination of discussion and writing we will analyze and synthesize cases and rules relating to legal ethics. We will work on analyzing and using facts and presenting legal arguments in a clear and convincing manner. Finally, we will explore our reactions to the issues that come up in the practice of law and the ethical rules that govern our profession. Because each student has his or her own way of learning, we will use different methods including: large and small group discussion, role-plays, lectures, work in pairs, etc.

Participation: This is a workshop style course that emphasizes student participation. Students will be divided into teams of experts which will be responsible for class presentations of assigned problems. Since participation is crucial to the success of this course, **regular attendance is required**. Failure to attend class regularly **will** be noted in your evaluation and may subject you to being required to withdraw from the course.

Final Examination: The final exam in this course will be a take home essay exam. We will discuss the exam in greater detail later in the quarter. Your evaluation in this course will be based on your class participation, presentation, written papers, and the final exam.

Rigorous Writing Requirement: Please see me if you are interested in meeting this requirement through this course. Third year students will be given preference.

NORTHEASTERN UNIVERSITY SCHOOL OF LAW

SEMINAR: PROFESSIONAL RESPONSIBILITY

FALL 2010

Classes, Readings, and Assignments

- CLASS 1**
8/31 **Course Introduction and Overview (Regulation of Lawyers; Images & Perception of Lawyers in Popular Culture)**
For this class, please read: **CB**, Preface and pp. 1-45 and in your Rules book, the **Preamble** to the ABA Model Rules of Professional Conduct
Discussion: Goals of the Course, Assignments; Perceptions of Lawyers
MBTI - Purpose/Administration
- CLASS 2**
9/2 **Topic(s): Introduction to the Profession and Practice of Law**
Please read: **CB**, pp. 45-58 (Problem 1-1 (Pot))
Read Applicable Model Rules (MRs): 1.0; 1.1; 1.2; 1.3; 1.4; 1.5
Discussion: What does practicing law mean?
Learning Styles (MBTI results)
- CLASS 3**
9/7 **Topic(s): Relationships Between Lawyers and Clients; Formation of the Attorney/Client Relationship**
Please read **CB**, pp. 266 - 292
Read/Review Applicable MRs: 1.2; 1.16; 6.2
DUE: Assignment I - Ethical Issue Memo
- *****September 9, 2010 – Rosh Hashanah – No Class*****
- CLASS 4**
9/14 **Topic: Relationships Between Lawyers and Clients (Cont.)**
Please read **CB** pp. 293-350
Read/Review Applicable MRs: 1.2; 1.4; 1.5; 1.8 especially (a), (e), and (j)
- CLASS 5**
9/16 **Topic(s): Communication and Confidentiality**
Please read **CB** pp. 152-212
Read/Review Applicable MRs: 1.2; esp. (d) and Comment, paras. (6) and (7); 1.6; 3.3; 4.1 and 1.18
Discussion of Problem 3-9
- CLASS 6**
9/21 **Topic(s): Attorney/Client Privilege and Work Product Doctrine**
Please read **CB** pp. 217-244

- CLASS 7**
9/23 **Topic: Loyalties and Conflicts of Interest: Current & Prospective Clients**
Please read **CB** pp. 352-389 and 393-405
Read/Review Applicable MRs: 1.4; 1.5; 1.7 (and see 1983 comments 4 and 5 and 2002 comments 5, 8 and 14-20); 2.2 (1983 Rules); and 2.4 (2002 Rules)
- CLASS 8**
9/28 **Topic: Loyalties and Conflicts of Interest: Former Clients**
Please read **CB** pp. 436-481
Read/Review Applicable MRs: 1.7, 1983 Comments, paras. 8 and 14; 2002 Comments, paras. 34 and 35
- CLASS 9**
9/30 **Topic: Who Controls the Case?/Conflicts Between Clients and Attorneys**
Please read **CB** pp. 483-527
Read/Review Applicable MRs: 1.2, 1.14, 1.16, 2.1
- CLASS 10**
10/5 **Topic: Who Controls the Case?/Conflicts Between Clients and Attorney (Cont.)**
Please read **CB** pp. 527-561
- CLASS 11**
10/7 **Topic: The Corporate Client**
Please read **CB** pp. 244 - 263
Read/Review Applicable MRs: 1.2(d) including Comment, paras. 6 & 10 of 2002 rules and Comment, para. 6 of 1983 rules; 1.4; 2.1; 1.13
Due: Assignment II - Exam Question for Analysis - Client Advice
- CLASS 12**
10/12 **Topic: Lawyers' Duties to Courts**
Please read **CB** pp. 593-643
Read/Review Applicable MRs: 1.2(d) and Comment; para. 6; 1.4(b); 1.6, especially 1.6(b)(1) & 1983 Comment, paras. 9 - 12, 13; 2.1
- CLASS 13**
10/14 **Topic: Lawyers' Duties to Courts (Cont.)**
Please read **CB** pp. 643-677
Read/Review Applicable MRs: 1.1; 1.3 including Comment, para. 1; 3.1; 3.3
- CLASS 14**
10/19 **Topic: Lawyers' Duties to Adversaries and Third Persons**
Please read **CB** 679-712
Read/Review Applicable MRs: 1.2(d) and Comment, para. 6; 1.6; 3.3 (c); 3.4
- CLASS 15**
10/21 **Topics: Duties of Prosecutors/Zealousness**
Please read **CB** pp. 713-730
Read/Review Applicable MRs: 1.2(b); 3.1; 3.2; 3.4(d); 4.4; 5.1; 5.2(b)

- CLASS 16** **Topic: Regulatory Restrictions on Law Practice/Lawyer Advertising and Marketing**
10/26 Please read **CB** pp. 791-814
 Read/Review Applicable MRs: 1.5(e); 7.1; 7.2; 7.3; 7.4; 7.5
 Due: Assignment III - Answer to Practice Exam Question (Marijuana Issue)
- CLASS 17** **Topic: The Lawyer As Part of the Law Firm Structure/Race, Gender, Class**
10/28 Please read **CB** 738-745
 Read Applicable MRs: Preamble, paras. 5 & 6
- CLASS 18** **Topic: Mental Health; Substance Abuse; & Realities of Modern Practice**
11/2 Please read **CB** pp. 746-790
 Read/Review Applicable MRs: 1.1; 1.3; 5.1; 5.2; 8.3
- CLASS 19** **Topic: Professional Discipline/Liability of Lawyers**
11/4 Please read **CB** pp. 73-112 & 128-149
 Read Applicable MRs: 8.1
- CLASS 20** **Topic: The Unmet Need for Legal Services & Pro Bono Obligations**
11/9 Please read **CB** pp. 819-835 & 853-862
Last Class **Read Applicable MRs:** 6.1; 6.2; 6.3; 6.4; 6.5