

Professional Responsibility

Elon University School of Law
Fall 2025
Room 207
Mondays & Wednesdays, 9:45–10:45 am
emfink.net/PR

Professor
Eric M. Fink
efink@elon.edu
336.279.9334
Office Hours: calendly.com/emfink/

Teaching Assistant
Holden Bryant
hrbyant4@elon.edu

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

Professional Responsibility: An Open-Source Casebook (v.4.1 2025). Available at emfink.net/PRCasebook.

Suggested

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 exam period (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 Life](#).

You should let me know (in advance if feasible) if you are unable to attend class, will arrive late, or must leave early. I do not require an explanation of the reason, nor do I require a doctor's note or other documentation.

Disability Accommodations

For disability accommodation requests, contact the [Elon Disability Services Office](#).

Honor Code

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

Schedule & Reading Assignments

(Note: This class will not meet on Sept. 24)

1. The Legal Profession & Regulation of Lawyers

- *Casebook*, Chap. 1
- *Geisel*, chap. 1 & 2¹

Sept. 3: Regulatory Authorities; Misconduct & Discipline, *Casebook* §§ 1.1 & 1.2

Sept. 8: Bar Admission; Unauthorized Practice of Law; Law Firms *Casebook* §§ 1.3-1.5

2. Advertising & Solicitation

- *Casebook*, Chap. 2
- *Geisel*, chap. 45 & 46

Sept. 10: Advertising; Solicitation, *Casebook* §§ 2.1 & 2.2

¹The Giesel hornbook readings are optional. You may find them helpful to get an overview of the topics covered.

3. The Attorney-Client Relationship

- *Casebook*, Chap. 3
- *Giesel Chap.* 4 & 8-14

Sept. 15: Establishing an Attorney-Client Relationship; Prospective Clients; Declining & Terminating Representation, *Casebook* §§ 3.1, 3.2, & 3.3

Sept. 17: Scope of Representation & Allocation of Authority; Clients with Diminished Capacity, *Casebook* §§ 3.4 & 3.5

Sept. 22: Organizational Clients, *Casebook* § 3.6

Sept. 29: Attorney Fees & Client Property, *Casebook* §§ 3.7 & 3.8

4. The Duty of Care

- *Casebook*, Chap. 4
- *Geisel*, chap. 5-7 & 24

Oct. 8: Competence, Diligence, & Communication; Malpractice, *Casebook* §§ 4.1 & 4.2

Oct. 8: Ineffective Assistance of Counsel; Malpractice in Criminal Cases, *Casebook* §§ 4.3 & 4.4

5. Confidentiality & Privileges

- *Casebook*, Chap. 5
- *Geisel*, chap. 15-16

Oct. 13 & 15: The Duty of Confidentiality, *Casebook* § 5.1

Oct. 20 & 22: Attorney-Client Privilege & Work-Product, *Casebook* § 5.2 & 5.6

6. Conflicts of Interest

- *Casebook*, Chap. 6
- *Geisel*, chap. 17-23

Oct. 27: Conflicts Between Current Clients, *Casebook* § 6.1 & 6.2

Oct. 29: Conflicts Involving the Lawyer's Business & Personal Interests, *Casebook* § 6.2

Nov. 3 & 5: Conflicts Involving Former Clients; Imputed Conflicts, *Casebook* § 6.3 & 6.4

7. Duties in Litigation

- *Casebook*, Chap. 7
- *Geisel*, chap. 26-33

Nov. 10 & 12: Truthfulness; Fairness & Impartiality; Extrajudicial Statements *Casebook* Chap. 7, §§ 7.1-7.3

Nov. 17: Prosecutorial Misconduct, *Casebook* § 7.4

8. Interactions with Non-Clients

- *Casebook*, Chap. 8
- *Geisel*, chap. 35-37

Nov. 19 & 24: General Rules; Represented Persons; Unrepresented Persons, *Casebook* §§ 8.1, 8.2, & 8.3

Dec. 8: Final Exam