

Professional Responsibility

Elon Law School
Fall 2020
Monday & Wednesday 4:15–5:30 pm
Room 206

Eric M. Fink
efink@elon.edu
336-279-9334
Office Hours: calendly.com/emfink

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.

Course Material

Leah Christensen & Brooks Holland, Learning Professional Responsibility (2d ed., West Academic 2018) (“Casebook”)

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

Suggested supplement (optional): Grace M. Giesel, Mastering Professional Responsibility (2d ed., Carolina Acad. Press 2015)

The course website, emfink.net/ProfessionalResponsibility, has subject outlines, review questions, and links to the ABA Model Rules and other relevant material.

Policies

Grading

Your grade will be based on three mid-term quizzes (10% each) and a final examination (70%). The midterm quizzes and final exam will consist of multiple choice questions, similar in format to the Multistate Professional Responsibility Examination (MPRE). You will take the quizzes online outside of class by the due dates indicated in the Schedule & Assignments portion of the syllabus. You will take the final exam online during the exam period. The quizzes and exam will be open book/open notes.

Class Preparation, Attendance, & Participation

Successful performance in this course depends on completion of all reading assignments before class, regular and prompt class attendance, and constructive engagement during class. Elon Law School's standards and ABA guidance for awarding course credit assume at least two hours of out-of-class student work for each hour of classroom instruction.

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 the Elon Law Registrar's 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 & Assignments

Law as a Regulated Profession

August 31

Professional Gatekeeping & Regulation

- ABA Model Rules: Preamble & Scope; Rules 1.0, 5.1-5.7, 8.1-8.5
- Casebook: Chapters 1-7

Maintaining an Ethical Law Practice

September 2 & 7

Advertising & Solicitation

- ABA Model Rules 7.1-7.6
- Casebook: Chapters 8-13

September 9

The Attorney-Client Relationship

- ABA Model Rules 1.8(f), 1.13, 1.14, 1.16, 1.18, 4.2, 6.1, 6.2, 6.3
- Casebook: Chapters 15 & 16

September 14 & 16

Attorney Fees & Client Property

- ABA Model Rules 1.5, 1.8, 1.15
- Casebook: Chapters 17 & 18

September 21 & 23

Law Firms

- Casebook: Chapters 19-24
- ABA Model Rules 5.1-5.7

Due September 25

Quiz: Maintaining an Ethical Law Practice

Duties to Clients

September 28

Scope of Representation & Authority

- ABA Model Rule 1.2
- Casebook: Chapters 25 & 26

September 30 & October 5

Competence, Diligence, & Communication

- ABA Model Rules 1.1, 1.2, 1.3, 1.4, 1.6, 1.13, 1.14, 1.16, 2.1
- Casebook: Chapters 27-31

October 7, 12, & 14

Confidentiality & Privileges

- ABA Model Rules 1.6, 1.9(c), 1.13, 1.14, 1.18, 4.4(b)
- NC Rules of Professional Conduct, Rule 8.6
- Casebook: Chapters 32, 33, 39

October 19, 21, & 26

Conflicts of Interest

- ABA Model Rules 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.18, 6.4, 6.5
- Casebook: Chapters 34-38, 40

October 28

Confidentiality & Conflicts Review

- Discussion Problem: Confidentiality
- Discussion Problem: Conflicts

Due October 23

Quiz: Duties to Clients

Duties to Courts, Opposing Parties, & Others

November 2 & 4

Good Faith & Fairness Toward Opposing Parties

- ABA Model Rules 3.1-3.9
- Casebook: Chapters 43, 44, 46, 49

November 9 & 11

Maintaining the Integrity of the Tribunal

- ABA Model Rules 1.2(d), 1.6, 3.1, 3.3, 3.4(b), 4.1, 8.4
- Casebook: Chapters 45, 47, 48, & 49

November 16 & 18

Interactions with Persons Other Than Clients

- ABA Model Rules 1.6, 3.5, 4.1 4.2, 4.3
- Casebook: Chapters 51-54

Due November 20

Quiz: Duties to Courts, Opposing Parties, & Others

December 4

Final Exam