

Professional Responsibility

Elon Law School
Fall 2023
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.

Required Materials

Professional Responsibility: An Open-Source Casebook (Fink 2023). The casebook is posted online as part of the course website: emfink.net/ProfessionalResponsibility. PDF copies of each chapter are available for download on the Table of Contents page.

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.

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 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

Date	Topic	Assignment
August 28	The Legal Profession & Regulation of Lawyers	Giesel, Chap. 1; Casebook, Chap. 1
August 30 & September 6	Professional Gatekeeping	Giesel, Chap. 2, 3, 38-44, 47-49; Casebook, Chap. 2
September 11	Advertising & Solicitation	Giesel, Chap. 45 & 46; Casebook, Chap. 3
September 13	The Attorney-Client Relationship	Giesel, Chap. 4, 11, & 12; Casebook, Chap. 4
September 18	Attorney as Agent, Client as Principal	Giesel, Chap. 8 & 14; Casebook, Chap. 5
September 20	Organizational Clients	Giesel, Chap. 13; Casebook, Chap. 6
September 27	Attorney Fees & Client Property	Giesel, Chap. 9 & 10; Casebook, Chap. 7
October 2 & 4	Competence, Diligence, & Communication	Giesel, Chap. 5-7, 24; Casebook, Chap. 8
October 9 & 11	Duty of Confidentiality	Giesel, Chap. 15; Casebook, Chap. 9
October 16	Attorney-Client Privilege & Work-Product	Giesel, Chap. 16; Casebook, Chap. 10

Date	Topic	Assignment
October 18 & 23	Concurrent Client Conflicts	Giesel, Chap. 17 & 18; Casebook, Chap. 11, § 1
October 25	Conflicts Involving the Lawyer's Interests	Giesel, Chap. 21; Casebook, Chap. 11, § 2
October 30 & November 1	Former Client Conflicts & Imputation	Giesel, Chap. 19, 20, 22, & 23; Casebook, Chap. 11, §§ 3 & 4
November 6 & 8	Duties in Litigation	Giesel, Chap. 26-32; Casebook, Chap. 12
November 13	Prosecutorial Misconduct	Giesel, Chap. 33; Casebook, Chap. 13
November 15	Duties to Non-Clients	Giesel, Chap. 35-37; Casebook, Chap. 14
November 20	Final Review	
December 1	Final Exam	

Note: This class will not meet on Sept. 4 and 25.