

## PREFACE

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The study techniques you have developed in other courses will help you in this course as well. But this book approaches legal study differently than the typical casebook. Here are some tips on how to get the most out of this book:

### A. Learning the Basics

The materials in this book teach the basic rules of professional responsibility by referring to the Delaware Lawyers' Rules of Professional Conduct ("Delaware Rules") in our examples. We chose Delaware as our preferred set of rules because the Delaware Rules very closely resemble the ABA Model Rules of Professional Responsibility. When we refer to a particular rule in this book, we are referring to the Delaware Lawyers' Rules of Professional Conduct and we will note explicitly any important differences between the Delaware Rules and the ABA Model Rules.

Further, this book is very practical and spends a great deal of time decoding and analyzing the rules themselves and utilizing concrete, real-life examples. The text does not require you to extract principles from cases, respond to questions, or solve problems to grasp these basics. Hence, this is why we call it the "uncasebook" method. By the end of each chapter, you should understand the basic features of the rule(s) discussed in that chapter.



**Key Concepts.** Most chapters begin with a text box labeled "Key Concepts" and marked with this key icon. These boxes serve two purposes. First, they will alert you to the most important concepts that you should focus on when reading the chapter. Second, when you review the materials, you should be able to glance at the Key Concepts box for each chapter and readily recall the meaning of those concepts.

**Quick Summary.** Each chapter ends with a "Quick Summary" of the contents, designated by the "summary folder" icon. These boxes do not contain all of the information you need to know from the chapter. But these summaries will give you a mental framework for organizing the material in the chapter. After reading the chapter, look at the Quick Summary and see how many details you can recall to accompany each principle we've focused on in the chapter.



## B. Reading Rules

The rules of professional responsibility have been codified in all states in some form. Many states follow the ABA Model Rules of Professional Responsibility closely. Other states, such as California, have their own unique set of rules relating to professional conduct. As indicated above, we will refer to the Delaware Lawyers' Rules of Professional Conduct throughout this book. Remember: to truly understand the law of professional responsibility and to apply these rules effectively, you need to read the rules in each chapter before class! Rather than refer you to a separate statutory appendix or rulebook as we study the rules, this book incorporates the rules directly within each chapter. The materials attempt to walk you through the rules step-by-step, so that you will see how the language of the rules relates to the issues disputed in the practice of law.

To aid in your understanding, we underline key words in the rules and arrange complex language into more simplified bullet points. This formatting is not part of the official rules; it is designed to introduce you to each rule. Here is how a hypothetical rule (one that is not part of any professional responsibility code) might appear:

### HYPOTHETICAL RULE

#### Prohibited Conduct by Students

In any law school class, students *may not*:

Snore

Yawn, or

Roll their eyes during the presentation of a professor's lecture, **except** when the professor is *particularly* boring.

In addition to studying the rules in each chapter, you should look frequently at the full set of rules on the Delaware State Bar website (<https://www.dsba.org/>) or in any purchased rule supplement; reading the rules in context will help you understand how the rules relate to one another. You may want to annotate or "rewrite" the rules in your supplement with notes from your readings and class lectures. This is a good way to learn the rules.

## **C. Organization**

Each chapter in this book addresses a particular rule of professional responsibility or principle. The chapters are self-contained, although later chapters build on earlier ones. True mastery of the rules of professional responsibility, however, requires seeing relationships among the rules and using the rules in combination.

## **D. How to Prepare for Class**

You need to carefully read the assigned materials before class! All professors say that, but there is a particular reason to read the chapters in this book before class. With the case method, some students (especially in upper level courses) find that it is efficient to read the cases very lightly—or not at all—and wait for the professor to illuminate the principles contained in the cases during class. The materials in this book, however, teach the basics of the rules directly; there is no quicker way to learn them. Your professor, moreover, may not review the basics in class. Instead, the professor may focus class on review questions, advanced problems, policy discussion, and simulations. If you haven't read the materials before class, you will lose out on the more in-depth classroom discussions.

## **E. How to Prepare for Exams**

You should find these materials helpful, both in preparing for the exam in this course and when reviewing for the MPRE and bar exam. The techniques outlined below will help you prepare well for all three types of exams:

1. Be sure that you understand the Key Concepts in each chapter. These appear both at the beginning of the chapter and in the Table of Contents.
2. Read over the Quick Summary for each chapter. In addition to understanding the summary, you should be able to recall details relating to each of the points in the summary.
3. Review the Rules of Professional Conduct (or the rules that your professor specifically assigns) that you have personally annotated, either in this book or in a separate rulebook. Most of professional responsibility law stems from these rules. The language of the rules should help you track the basics, while your annotations and notes will provide you with examples that flesh the rules out.

4. Review Overview chapters and paragraphs to be sure that you understand how the rules relate to one another. Reviewing the Table of Contents will also reveal important relationships.
5. Take special note of Evolving Issues and know how you would argue both sides of those issues. You may argue these issues someday in court and you almost certainly will have to argue some of them on an exam.

We wish you the best of luck and hope this book provides additional support to help you learn the rules of professional responsibility!