

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.

Materials

Required

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.

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.

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	Part I: The Legal Profession & Regulation of Lawyers	
	Regulatory Institutions	Casebook, Chap. 1, § 1; Giesel, Chap. 1
August 30 & September 6	Professional Gatekeeping	Casebook, Chap. 1, § 2; Giesel, Chap. 2
September 11	Part II: Advertising & Solicitation	
	Advertising; Solicitation	Casebook, Chap. 2; Giesel, Chap. 45 & 46
September 13	Part III: The Attorney-Client Privilege	
	Establishing & Ending an Attorney-Client Relationship	Casebook, Chap. 3, § 1; Giesel, Chap. 4, 11, & 12
	Attorney as Agent, Client as Principal	Casebook, Chap. 3, § 2; Giesel, Chap. 8 & 14
	Organizational Clients	Casebook, Chap. 3, § 3; Giesel, Chap. 13
	Attorney Fees & Client Property	Casebook, Chap. 3, § 4; Giesel, Chap. 9 & 10
October 2 & 4	Part IV: The Duty of Care	
	Competence, Malpractice, & Ineffective Assistance	Casebook, Chap. 4; Giesel, Chap. 5-7, 24
October 9 & 11	Part V: Confidentiality & Privileges	
	Duty of Confidentiality	Casebook, Chap. 5, § 1; Giesel, Chap. 15
October 16	Attorney-Client Privilege & Work-Product	Casebook, Chap. 5, § 2; Giesel, Chap. 16
October 18 & 23	Part VI: Conflicts of Interest	
	Concurrent Client Conflicts	Casebook, Chap. 6, § 1; Giesel, Chap. 17 & 18
October 25	Conflicts Involving the Lawyer's Interests	Casebook, Chap. 6, § 2; Giesel, Chap. 21

Date	Topic	Assignment
October 30 & November 1	Former Client Conflicts & Imputation	Casebook, Chap. 6, §§ 3 & 4; Giesel, Chap. 19, 20, 22, & 23
November 6 & 8	Part VII: Duties in Litigation Integrity of the Proceedings	Casebook, Chap. 7, § 1; Giesel, Chap. 26-32
November 13	Prosecutorial Misconduct	Casebook, Chap. 6, § 2; Giesel, Chap. 33
November 15	Part VIII: Interactions with Non-Clients Truthfulness & Fairness; Dealing with Represented Persons; Dealing with Unrepresented Persons	Casebook, Chap. 7; Giesel, Chap. 35-37
November 20	Final Review	
November 30	Final Exam	

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