

## Reading Assignments for Legal Ethics § 3—Professor Tarkington

Below is the reading for the semester. The abbreviation CB refers to the Hazard case book, *The Law and Ethics of Lawyering*. The abbreviation MR refers to the Model Rules of Professional Conduct. Handouts will be distributed the week prior or are available at one of the links below.

Members of the class have been divided into 4 panels. Each panel is assigned for a specific class period. I will call on students from the assigned panel for the specified day. Other students are, of course, free to volunteer.

I expect you to read and be prepared every day. You will be responsible on the final exam to have mastered the material covered each and every day of class. I am splitting the class into panels to foster better discussion in a large class. Because you will know in advance when you will be called upon, **your participation score (10% of your grade) will be lowered if you are not prepared or not present** on a day when your panel is assigned.

Students may seek permission to switch days **in advance** with me if they will be absent for a justified cause. I have sole discretion to determine whether an excuse for absence is justified.

Class Period	Topic	Reading Assignment
1-(T) January 18 <b>Panels 1–4</b>	<b>I-Do the Right Thing</b> Introduction to the Model Rules Discipline & Legal Recourse against Attorneys	CB 1-13 ( <i>Spaulding</i> ) CB 20-24 (“Morality of Lawyer’s Role”), CB 41-42 (“Dead Bodies Case”). MR Preamble & Scope
2-(T) January 25 <b>Panels 1–4</b>	Professionalism Responsibilities of Junior Lawyers Attorney Misconduct and the Duty to Report	Neil Hamilton, <i>Professionalism Clearly Defined</i> (handout) MR 5.1, 5.2 & 5.3 CB 1108–1115 MR 8.3 & 8.4 CB 1163–64; 1168–70
3-(T) February 1 <b>Panel 1</b>	<b>II-Getting a Client—Solicitation</b> Advertising Duties to Prospective Clients	MR 7.1, 7.2, 7.3, 7.4, & 7.5 CB 940–46; 953–60; 1116–1118 CB 853–58 ( <i>Togstad</i> ) & MR 1.18(a)-(b) Abraham Lincoln, Notes of a Law Lecture (available at link below).
	<b>III-Who Cannot Be Your Client—Conflicts of Interest</b>	
4- (T) February 8 <b>Panel 2</b>	Concurrent Representation & Personal Interest Conflicts	MR 1.7, 6.3, 6.4 CB 391–93; 399–411; 423–42 ( <i>Westinghouse; Cuyler</i> )
5-(T) February 15 <b>Panel 3</b>	Joint Representation & Successive Representation Conflicts	M.R. 1.9 & 1.18(c)-(d) CB 442–66 ( <i>Callahan; Brennan’s Inc</i> )
6-(T) February 22 <b>Panel 4</b>	Imputed Conflicts and Migratory Attorneys <b>IV-Who is Your Client?</b> Organizational Clients Clients of Government Attorneys	M.R. 1.10, 1.11;1.13 CB 467–87 ( <i>Nemours Foundation</i> ) CB 527–41 ( <i>Yablonski</i> )
	<b>V-Attorney-Client Relationship</b>	
7-(T) March 1 <b>Panel 1</b>	The Attorney-Client Privilege (Lecture on <i>Upjohn</i> ) Work Product Protection	CB 257–67; 281–93; 36–42 MR 3.4(a) & Comment ¶¶ 1 & 2 (Optional: CB 26-36, <i>Stenhach</i> )

8-(T) March 8 <b>Panel 2</b>	The Crime Fraud Exception to the Attorney-Client Privilege Waiver of the Attorney-Client Privilege	CB 294–324; 327–31 ( <i>Chen; In re Columbia</i> )
9-(T) March 15 <b>Panel 3</b>	Duty of Confidentiality (Lecture on <i>Hawkins</i> ) Collecting a Fee (Lecture on <i>Fordham</i> )	MR 1.6 & 1.5 CB 331–41; 348–64; 380–90; CB 775–77; 785–98; 802–05
<b>March 21-25</b>	<b>Spring Break</b>	
10-(T) March 29 <b>Panel 4</b>	<i>Don't Screw Your Client:</i> Transactions with Clients, Sex with Clients, and Handling Client Money Scope of Attorney and Client Authority Ending the Relationship	MR 1.2, 1.8, 1.15, 1.16 CB 811–20; 822–38; 842–43; 846–52 ( <i>Mershon</i> )
	<b>VI-Representing Your Client</b>	
11-(T) April 5 <b>Panel 1</b>	Competent & Zealous Representation Communication and Advice Effective Assistance of Counsel	MR 1.1, 1.3, 1.4, 2.1, 3.2, Preamble ¶¶8-10 CB 859–64; 884–909 ( <i>Strickland</i> )
12-(T) April 12 <b>Panel 2</b>	Candor to the Court: Citing Legal Authority and Dealing with Client Perjury Overzealous (unethical) Representation	MR 3.3, 4.1, 3.4, 3.5, 3.8 CB 640–71; 700–04; 707–12; 733–34 ( <i>Shaffer Equip.; Nix</i> )
13-(T) April 19 <b>Panel 3</b>	Talking About the Case: Pretrial Publicity <b>VII- Relationships with Non-Clients and Non-Attorneys</b> Relationships with Non-Clients	MR 3.6, 3.8 (f), 4.1, 4.2, 4.3, 4.4 CB 1012–1019; 735–44; 749–51 ( <i>Gentile; Messing</i> )
14-(T) April 26 <b>Panel 4</b>	Unauthorized Practice of Law Multidisciplinary & Multijurisdictional Lawyers <b>VII-Pro Bono Work</b> Helping the Poor & the Middle Class; Taking (or Being Appointed to) the Unpopular Case	MR 5.4, 5.5, 8.5 CB 921–40; 1125; 1135–40 MR 6.1, 6.2 CB 977–86; 999–1003 John Adams Boston Massacre Diary Entry (available at link below).

Abraham Lincoln's Notes for a Law Lecture, available at:

<http://showcase.netins.net/web/creative/lincoln/speeches/lawlect.htm>

John Adams Boston Massacre Diary Entry, available at:

<http://www.law.umkc.edu/faculty/projects/ftrials/bostonmassacre/diaryentries.html>

For background of the Boston Massacre, if you are interested, a summary is available at:

<http://www.law.umkc.edu/faculty/projects/ftrials/bostonmassacre/bostonaccount.html>