Every student at an ABA-accredited law school must take a course like this one. It may be called Legal Profession, Professional Responsibility, or Legal Ethics. The idea of the course is to prepare you to practice law in compliance with the rules of professional conduct, as well as to help you make principled choices and steer your career to satisfying places. This course attempts to provide you with enough training in professional responsibility to meet your needs as a new lawyer.

This course satisfies the law school and the ABA requirement for a professional responsibility course, and it will help you prepare for the MPRE. This course alone may not be sufficient for that purpose—particularly if you plan on taking the exam many months after taking this course. Any MPRE material we do not cover can be picked up through materials and courses provided by the commercial bar-preparation companies (often offered free of charge) and/or through independent study.

This course will focus on the ethical rules, common law concepts, statutory and constitutional sources of law governing the ethical obligations of attorneys. The casebook is Hazard, Koniak, Cramton, Cohen and Wendel, The Law and Ethics of Lawyering (Foundation, 5th ed. 2010). The statutory supplement is Professional Responsibility Standards, Rules & Statutes (West 2015-16, Dzienkowski, ed). Do not purchase the Abridged Edition, as this lacks the AL version of the Model Rules.) Both texts are required. Additional copies of both texts will be placed on library reserve. Please bring the statutory supplement along with the casebook to each class. You are expected to have read before class any Model Rules and accompanying comments, as well as Restatement sections and comments, that are cited in the casebook reading assignments.

Regular class attendance and preparation of assigned materials are required. Class participation can only help your final grade. The final exam will consist of both essay and multiple-choice questions. You will not be examined on any topics we do not cover in class.

My office hours are M-Th, 11:00 am – 12noon, and 3:30 p.m. - 5:30 p.m. My office is located in Room 357.

Important Notice: In Alabama, you cannot take the Multistate Professional Responsibility Exam (MPRE) more than 12 months preceding the Alabama Bar Exam. Unless you will take the Alabama bar in January or July of 2017, you should not sign up for the August 2016 MPRE exam.
SYLLABUS

CHAPTER 1: LAW, LAWYERS AND ETHICS


CHAPTER 2: CONFORMITY TO LAW

May 30 (M) Casebook, pp. 57-88.  Conformity to the Law: Gellene; Arthur Anderson.

CHAPTER 3: CORPORATE FRAUD AND LAWYER ACTION

June 6 (M) Casebook, pp. 211-56.  Refco; Sarbanes-Oxley and the new SEC rules.

CHAPTER 4: CONFIDENTIALITY

June 8 (W) Casebook, pp. 294-331.  Crime-Fraud Exception: Chen.  Waiver: Columbia/HCA.
June 9 (Th) Casebook, pp. 331-64.  Self-Defense Exception: Meyerhofer; O.P.M.
June 13 (M) Casebook, pp. 364-90.  Retaliatory Discharge; Electronic Evidence

CHAPTER 5: CONFLICTS OF INTEREST/ CHAPTER 9: INEFFECTIVE ASSISTANCE

June 14 (T) Casebook, pp. 391-430.  Concurrent Conflicts: Westinghouse; Fiandaca.
June 15 (W) Casebook, pp. 884-910; 430-42.  Effective Assistance; Cuyler.
June 16 (Th) Casebook, pp. 442-87.  Transactional Conflicts: Callahan.
Successive Conflicts: Brennan’s; Imputed Conflicts: Nemours.

CHAPTER 6: WHO IS THE CLIENT?  CHAPTER 7: NON-CLIENTS


CHAPTERS 7, 8 AND 10 – SELECTED ISSUES

June 27 (M) Casebook, pp. 775-828.  Fees, Atty-Client Transactions.