

# LEGAL PROFESSION

Fall 2008

Room 803 (Lewis)

**Professor Moller**

## **Course Schedule:**

Tu: 5:50-8:30 p.m.

## **Contact:**

E-mail (preferred): mmoller@depaul.edu

Telephone: (312)-362-5758

## **Required Texts:**

1. Thomas D. Morgan and Ronald D. Rotunda, *Professional Responsibility: Problems and Materials* (Foundation Press 10th edition) (abbreviation: CB)
2. Thomas D. Morgan and Ronald D. Rotunda, *2008 Selected Standards on Professional Responsibility* (Foundation Press).

Additional supplemental materials (Supp.) may be distributed via the Blackboard site for this class, which may be accessed at <http://oll.depaul.edu>.

## **Class Requirements:**

A seating chart, which all students must sign, will be handed out the first day of class. Failure to sit in the appropriate seat will be recorded as an absence.

Students should regularly check Blackboard. A current syllabus will be posted there, and I may also post announcements regarding class or reading assignments there from time to time.

Please note: ***In each class I will call on students at random to engage in a discussion about the readings. Therefore, please come to each class prepared for discussion.*** Student performance will be based primarily on the basis of a final examination, but attendance and class participation may be taken into account in determining the final grade.

## **Grading:**

There will be one three hour open book examination, which will comprise the majority of the grade in this course. Students may use any written materials during the examination, including the casebook, class notes or outlines, and handouts distributed during class.

## **Assignments for the First Month of Class:**

Be sure to read, closely, the ABA Rules of Professional Conduct, and all related Comments, that are referenced in, or relevant to, each reading assignment. The Rules may be found in Morgan and Rotunda, *Selected Standards on Professional Responsibility*.

For some classes I will place some optional reading on Blackboard. You need not read them to do well on the exam, or to participate in class discussion, but they may enhance your understanding of the “big picture” for various topics.

Finally, reading assignments are subject to change or supplementation. Changes will be announced at least one week in advance.

### **Class 1 (Aug. 26): Introduction to the Rules of Professional Ethics**

CB: pp. 7-23 (through D.6).

Supp: Daniel Fischel, *Lawyers and Confidentiality*, 65 U. Chi. L. Rev. 1 (1998) (excerpts)  
Susan Koniak, *The Law Between the State and the Bar*, 70 N.C. L. Rev. 1389 (1992)  
(excerpts)

CB: Problem 1

- pp. 32-40 (through B.5)

### **Class 2 (Sept. 2): Sources of the Law of Lawyering**

CB: Problem 2

- pp. 54-64 (parts C & D only)

CB: Problem 3

- pp. 64-83

### **Class 3 (Sept. 9): Starting and Terminating Client Relationships**

CB: Problem 4

- pp. 84-89 (through A.4)
- pp. 92-99 (parts C & D only)

Supp.: *Togstad v. Vesely, Otto, Miller & Keefe*, 291 N.W.2d 686 (Minn. 1980) (excerpts)

CB: Problem 5

- pp. 104-14 (parts B & C only)

CB: Problem 6

- pp. 122-29 (parts B & C only)

**Class 4 (Sept. 16): Introduction to the Duty of Confidentiality**

CB: Problem 7

- pp. 133-48

Supp: *In re Sealed Case*, 162 F.3d 670 (D.C. Cir. 1998) (excerpts)