

LEGAL PROFESSION

Course Syllabus
Fall 2008

Day Section: Mon. & Wed. 4:00 – 5:15 p.m.
Classroom 803

Professor Rubin

Office: Lewis 806

Office Hours: Tues. 12-2 & whenever door is open

Email: hrubin@depaul.edu

Purpose of the Course

This course will examine the professional standards and practical problems of the legal profession. This course will not be a review course for the MPRE. We will discuss real life problems using the ABA Model Rules of Professional Conduct as well as Illinois rules, statutes, and decisions which govern lawyer behavior. The class will be encouraged to analyze the ethical, moral and personal issues which they will confront as lawyers as well as the disciplinary guidelines under which they will be practicing.

Required Readings

The text for the course is *Legal Ethics in the Practice of Law*, Third Edition by Zitrin, Langford and Tarr (3 hole notebook version) and the *ABA Model Rules of Professional Conduct*, 2008 Edition. *The Rules Governing the Legal Profession and Judiciary in Illinois* will be provided in class. Other readings may be assigned at the professor's discretion.

Attendance

Pursuant to ABA accreditation standards and DePaul College of Law policy, regular attendance is required. Students will be asked to sign an attendance sheet at the beginning of class.

Method of Instruction

This class relies heavily on class discussion and the problem method of instruction. In order to have meaningful discussion, it is very important that the problems and reading assignments be completed before class.

Evaluation of Student Performance

Each student's grade will be determined by class attendance and participation, performance on class assignments (30%) and a final exam (70%). The final exam will be an in-class exam and will consist of multiple choice and essay questions. **Students will be allowed to use the ABA Model Rules of Professional Conduct and the Illinois Rules Book. Those books can be annotated with handwritten annotations. The text and other written materials cannot be used during the exam.**

The instructor reserves the right to add an appropriate factor to the course grade for exceptional classroom participation, or to subtract an appropriate factor from any course grade for poor classroom participation or attendance.

CLASS ASSIGNMENTS

DATE	TEXT	STATUTES AND RULES
Mon. Aug. 25, 2008 “Ethics Ground Rules”	Introduction & Chapter 1 pp.1 – 34	MRs: Preamble & Terminology pp. 1 – 10 IL Rules: Preamble & Terminology pp. 42-43

I. THE LAWYER – CLIENT RELATIONSHIP

Wed. Aug. 27, 2008 “Competence and Client Selection”	Problems 1 & 2 pp. 37 - 77	MRs & IL Rules: 1.1; 1.2; 1.3; 1.4; 1.5; 1.7; 1.16; 6.1; 6.2.
Mon. Sept. 1, 2008	NO CLASS LABOR DAY	
Wed. Sept. 3, 2007 “Communication and Client or No Client”	Problem 3 pp. 79 – 105	MRs & IL Rules: 1.1; 1.2; 1.4; 1.5; 1.8.
Mon. Sept. 8, 2008 “Confidentiality and Communication”	Problem 4 pp. 107 -135 Alton Logan Case Attorney Frank Armani Class Assignment: Amble, Nance, & Chaser Problem (5 Pts.)	MRs & IL Rules: 1.2; 1.6; 3.3; 4.1.

Wed. Sept. 10, 2008 “Confidentiality & Technology”	Problems 5 & 6 pp. 137 – 187	MRs & IL Rules: 1.6; 1.7; 4.4.
Mon. Sept. 15, 2008 “Conflicts of Interest & Duty of Loyalty”	Problem 7 pp. 189 – 211	MRs & IL Rules 1.4; 1.7; 2.4.
Wed. Sept.17, 2008 “Conflicts of Interest & Organizations”	Problem 8 pp. 213 – 238	MRs & IL Rules: 1.7; 1.13.
Mon. Sept. 22, 2008 “Conflicts of Interest & Multiple Clients”	Problem 11 pp. 293 – 321	MRs & IL Rules: 1.2; 1.4; 1.6; 1.7; 1.16; 2.3; 5.4; 5.5; 7.2; 7.3.
Wed. Sept. 24, 2008 “Conflicts of Interest & Lawyers Personal Interest”	Problem 9 pp. 239 – 263 In re Rinella 175 Ill.2d 504; 677 N.E. 2d 909 1997 Ill. LEXIS 22 222 Ill.Dec.375	MRs & IL Rules: 1.5; 1.7; 1.8; 1.16.
Mon. Sept. 29, 2008 “Client’s Best Interests - Balancing Act & Cultural Divide”	Problems 12 & 13 pp. 323 – 370 4 C’s QUIZ (2 Pts.)	MRs & IL Rules: 1.2; 1.14; 1.16; 2.1.

II. DUTY OF ADVOCACY AND DUTY TO THE LEGAL SYSTEM

Wed. Oct. 1, 2008 “Guilty Client”	Problem 14 pp. 373 – 398	MRs & IL Rules: 1.1; 1.3; 3.1; 3.3.
Mon. Oct. 6, 2008 “Lying Client”	Problem 15 pp. 399 – 425	MRs & IL Rules: 1.2; 1.6; 1.16; 3.3; 3.4.
Wed. Oct. 8, 2008 “Candor to the Court”	Problem 16 pp. 427 – 450	MRs & IL Rules: 3.1; 3.3; 3.4, 8.4.
Mon. Oct. 13, 2008 “Discovery Tactics”	Problem 17 pp. 451 – 476	MRs & IL Rules: 1.2; 3.1; 3.2; 3.4; 4.4; 5.1; 5.2.
Wed. Oct. 15, 2008 “Negotiation”	Problem 18 pp. 477 – 501	MR. 4.1
Mon. Oct. 20, 2008 “Trial Tactics”	Problem 19 pp. 503 – 524 SCHMOOZING QUIZ (2 Pts.)	MRs & IL Rules: 3.3; 3.4; 3.5; 4.1; 8.4.
Wed. Oct 22, 2008 “Prosecutors	Problem 22 pp. 577 – 603 The North Carolina State Bar v. Nifong 06 DHC 35	MRs & IL Rules: 3.8; 4.2.
Mon. Oct. 27, 2008	Classroom Exercise: Karen Horowitz Problem (6 Pts.)	

Wed. Oct. 29, 2008 “Attorney’s Free Speech”	Gentile v. State Bar of Nevada 501 U.S. 1030 111 S. Ct. 2720	MRs & IL Rules: 3.4; 3.5; 3.6; 3.8; 4.1; 4.4; 7.1; 7.2; 7.3; 7.4; 7.5; 8.2.
Mon. Nov.3, 2008 “Adviser”	Problem 24 pp. 631 - 656	MRs & IL Rules: 1.2; 1.4; 2.1.
Wed. Nov.5, 2008 “The Corporation - Organization Client”	Problem 25 pp. 657 – 682	MRs & IL Rules: 1.2; 1.4; 1.6; 1.13; 2.1.

III. PRESSURES, ECONOMICS AND DIVERSITY

Mon. Nov.10, 2008 “Civility & Lawyer Advertising”	Problem 30 pp. 791 - 812	MRs 1.5, 1.18, 7.1, 7.2, 7.3 7.4.
Wed. Nov.12, 2008 “Law Firm Politics”	Problem 26 pp. 665 – 690	MRs & IL Rules: 1.2; 1.6 2.3; 5.1; 5.2; 8.3; 8.4.
Mon. Nov.17, 2008 “Fees & Billing”	Problem 27 pp. 713 – 736	MRs & IL Rules: 1.4; 1.5; 1.15; 7.1
Wed. Nov. 19, 2008	ARDC Disciplinary Process Class Assignment: ARDC Mentor Search (5 Pts.)	Chapter 13

Mon. Nov. 24, 2008

Malpractice Issues and
Attorney & Judicial
Roles in Confronting
Misconduct
In re Himmel
125 Ill.2d 531
533 N. E. 2d 790
127 Ill Dec. 708;
Barone v. USA
Ferrara v. USA
98 – 11104 - MLW

Blog: www.illinoislegalmal.com

Wed. Nov. 26, 2008

LAP & Pro Bono

MRs & IL Rules: 1.1; 1.3; 3.1; 5.1; 5.2;
6.1; 6.2; 8.3.

Mon. Dec. 1, 2008

Course recap and Exam
Review