

Syllabus – Spring 2009
Legal profession
Prof. Steven H. Resnicoff

Getting in Touch With me:

You can contact me by phone, at 312-362-8137 (office) or 773-973-2335 (home). My office is 800-A (turn left as you exit the 8th-floor elevators). My “official” office hours will be from 3:30 to 5:30 p.m. on Mondays. Nevertheless, I will often be in my office at other times, and you are certainly welcome to stop by at any time. In addition, you can call me to schedule a mutually convenient time to meet. I know that many students may find it easier to communicate between classes by e-mail than in person or by phone. As a result, I also invite you to e-mail me at sresnico@depaul.edu. When you do, however, please type “**DePaul Legal Pro**” in the subject heading of your messages. If you want to fax me material, you may do so at 312-362-5448, but only if you include a cover page addressed to me so that the mail room personnel will know to give it to me.

Blackboard Web Site:

There is a blackboard web site for this course. I intend to use this site as an important way to communicate with you and to provide materials to you. If you have any trouble *finding* the Blackboard site for this course, please contact DePaul’s Technology Assistance Help Desk.

Because you will be responsible for all I send via Blackboard, it is *imperative* that *you* make sure that the Blackboard site has your correct e-mail address. Blackboard uses the e-mail address that was entered for you in CampusConnect. Here’s how you may check and, if necessary, correct that e-mail address:

1. Go to <http://campusconnect.depaul.edu>
2. Click on "demographic portfolio"
3. Click on e-mail addresses
4. Update the e-mail address and hit "save."

Required Texts:

1. Nathan M. Crystal, Professional Responsibility: Problems of Practice and the Profession (**4th edition, 2008**), ISBN 13: 978-0-7355-6798-6.
2. Stephen Gillers and Roy D. Simon, Regulation of Lawyers: Statutes and Standards – Concise Edition 2008; ISBN 13: 978-0-7355-7615-5; ISBN 10: 0-7355-7615-7.
3. Illinois materials to be distributed in class.

Assignments:

Class: Reading

1 **INTRODUCTION**

Foundations of Professional Responsibility, pp. 1-12

Rules and Standards of Professional Conduct and the Law Governing Lawyers,
pp. 12-22

Going Beyond the Rules, pp. 22-34 and Problem 1-1

Methods of Regulating Attorney Conduct: Admissions and the Duty to Report,

pp. 34-43 and Problem 1-2

- 2 The Disciplinary System, Civil Liability and Legislation, pp. 43-53 and Problem 1-3(a)

CONFIDENTIALITY:

The Ethical Duty, pp 98-113 and Problem 2-4

Exceptions to the Ethical Duty: Physical evidence, pp. 113-124 & Problem 2-5

Exceptions to the Ethical Duty: False Testimony, pp. 124-146 & Problem 2-6

- 3 The Attorney-Client Privilege and the Work Product Doctrine Compared to the Ethical Duty, pp. 258-271
The Attorney-Client Privilege and the Work Product Doctrine (continued)
Fraud by Clients in Business Transactions, pp. 521-549 & Problem 5-2

CONFLICTS OF INTEREST:

Representation against Current Clients, pp. 271-290 and Problem 3-4

- 4 Representation against Former Clients and Imputed Disqualification, pp. 290-305 and Problems 3-5 and 3-6
Multiple Representation in a Single Matter: Coplaintiffs in Civil Cases, pp. 315-322 & Problem 3-8

- 5 Codefendants in Criminal Cases, pp. 154-162 & Problem 2-8
Multiple Representation in Business Transactions, pp. 504-521 & Problem 5-1
Other Conflicts of Interest: Clients with Diminished Capacity, pp. 146-154 & Problem 3-7
Advocate-Witness Conflicts, pp. 305-315 & Problem 3-7

COMPETENCY, FEES AND CLIENT PROPERTY:

Malpractice – Handout

Competency of Defense Counsel, pp. 78-84 & Problem 2-2

Legal Fees in Criminal Cases, pp. 84-98 & Problem 2-3

Contingency Fees, Expenses and Fee Splitting, pp. 219-236 & Problem 3-1

- 7 Engagement & Non-engagement Agreements, pp. 236-258 & Problem 3-2

LIMITATIONS ON ZEALOUS REPRESENTATION:

Frivolous Claims in Civil cases, p. 360-371 and Problem 4-1

Investigation: Contacts with Employees, pp. 371-387 & Problem 4-2

Investigation: Secret Recording and Inadvertent Disclosures, pp. 387-395 & Problem 4-3

- 8 Discovery, pp. 395-408 & Problem 4-4
Negotiation, pp. 408-428 and Problem 4-5
Trial Publicity, pp. 162-173 & Problem 2-9

9 Limitations on Trial Tactics, pp. 173-187 & Problem 2-10

DELIVERY OF LEGAL SERVICES:

Advertising, Solicitation and Other Marketing Practices, pp. 442-454 & Problem 4-7

Current Constitutional Issues in Lawyer Advertising and Solicitation, pp. 454-477 & Problem 4-8

10 Regulation of the Unauthorized Practice of Law, pp. 477-486 & Problem 4-9
Delivery of Legal Services to Indigents:

a. pp. 486-495 & Problem 4-10; and

b. pp. 208-214 & Problem 2-12

11 **JUDICIAL CONDUCT:**

Official Conduct, pp. 590-603 & Problem 6-1

Extrajudicial Conduct and Judicial Selection, pp. 603-616 & Problem 6-2

Government Attorneys, pp. 616-631 & Problem 6-3

Special Duties of Prosecutors, pp. 187-208 & Problem 2-11.

12 **SPECIAL ISSUES:**

Insurance Defense Practice, pp. 322-335 & Problem 3-9

Duty to Supervise, pp. 643-648 & Problem 7-1

Law Firm Organization and Breakups, pp. 648-659 & Problem 7-2

13 Miscellaneous ethical issues to be announced

14 Catch-up & Review