

LEGAL PROFESSION

Course Syllabus
Spring 2009

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 |
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| Mon. Jan. 12, 2009 “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

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| Wed. Jan. 14, 2009 “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. Jan. 19, 2009 “Communication and Client or No Client” | Problem 3 pp. 79 – 105 Class Assignment: Amble, Nance, & Chaser Problem (5 Pts.) | MRs & IL Rules: 1.1; 1.2; 1.4; 1.5; 1.8. |
| Wed. Jan. 21, 2009 “Confidentiality and Communication” | Problem 4 pp. 107 -135 Alton Logan Case Attorney Frank Armani | MRs & IL Rules: 1.2; 1.6; 3.3; 4.1. |
| Mon. Jan. 26, 2009 “Confidentiality & Technology” | Problems 5 & 6 pp. 137 – 187 | MRs & IL Rules: 1.6; 1.7; 4.4. |

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| Wed. Jan. 28, 2009 “Conflicts of Interest & Duty of Loyalty” | Problem 7 pp. 189 – 211 | MRs & IL Rules 1.4; 1.7; 2.4. |
| Mon. Feb.2, 2009 “Conflicts of Interest & Organizations” | Problem 8 pp. 213 – 238 | MRs & IL Rules: 1.7; 1.13. |
| Wed. Feb. 4, 2009 “Conflicts of Interest & Multiple Clients” | Problem 11 pp. 293 – 321 | MRs & IL Rules: 1.2; 1.4; 1.6; 1.7; 1.8;1.16; 2.3; 5.4; 5.5; 7.2; 7.3. |
| Mon. Feb. 9, 2009 “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. |
| Wed. Feb. 11, 2009 “Client’s Best Interests - Balancing Act & Cultural Divide” | Problems 12 & 13 pp. 323 – 370 4 C’s QUIZ (3 Pts.) | MRs & IL Rules: 1.2; 1.14; 1.16; 2.1. |
| Mon. Feb. 16, 2009 | Classroom Exercise: Karen Horowitz Problem (5 Pts.) | |

II. DUTY OF ADVOCACY AND DUTY TO THE LEGAL SYSTEM

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| Wed. Feb. 18, 2009 “Guilty Client” | Problem 14 pp. 373 – 398 | MRs & IL Rules: 1.1; 1.3; 3.1; 3.3. |
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| Mon. Feb. 23, 2009 “Lying Client” | Problem 15 pp. 399 – 425 | MRs & IL Rules: 1.2; 1.6; 1.16; 3.3; 3.4. |
| Wed. Feb. 25, 2009 “Candor to the Court” | Problem 16 pp. 427 – 450 | MRs & IL Rules: 3.1; 3.3; 3.4, 8.4. |
| Mon. March 2, 2009 “Prosecutors” | Problem 22 pp. 577 – 603 The North Carolina State Bar v. Nifong 06 DHC 35 | MRs & IL Rules: 3.8; 4.2. |
| Wed. March 4, 2009 “Discovery Tactics” | Problem 17 pp. 451 – 476 | MRs & IL Rules: 1.2; 3.1; 3.2; 3.4; 4.4; 5.1; 5.2. |
| Mon. March 9, 2009 “Negotiation” | Problem 18 pp. 477 – 501 | MR. 4.1 |
| Wed. March 11, 2009 “Trial Tactics” | Problem 19 pp. 503 – 524 SCHMOOZING QUIZ (2 Pts.) | MRs & IL Rules: 3.3; 3.4; 3.5; 4.1; 8.4 |
| Mon. March 16, 2009 “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; 8.2. |
| Wed. March 18, 2009 “Adviser” | Problem 24 pp. 631 - 656 | MRs & IL Rules: 1.2; 1.4; 2.1. |

SPRING BREAK MARCH 21 – MARCH 27, 2009

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| Mon. March 30, 2009 “The Corporation - Organization Client” | Problem 25 pp. 657 – 682 | MRs & IL Rules: 1.2; 1.4; 1.6; 1.13; 2.1. |
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III. PRESSURES, ECONOMICS AND DIVERSITY

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| Wed. April 1, 2009 “Civility & Lawyer Advertising” | Problem 30 pp. 791 - 812 | MRs 1.5; 1.18; 7.1; 7.2; 7.3; 7.4; 7.5. |
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| Mon. April 6, 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. |
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| Wed. April 8, 2009 “Fees & Billing” | Problem 27 pp. 713 – 736 | MRs & IL Rules: 1.4; 1.5; 1.15; 7.1 |
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| Mon. April 13, 2009 | ARDC Disciplinary Process Class Assignment: ARDC Mentor Search (5 Pts.) | Chapter 13 |
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| Wed. April 15, 2009 | 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; | Blog: www.illinoislegalmal.com |
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Mon. April 20, 2009

LAP & Pro Bono

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

Wed. April 22, 2009

Course recap and Exam
Review