

*Syllabus - Summer 2008*  
***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 4:30 to 5:30 p.m. on Tuesdays and Thursdays. 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](mailto: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* (3rd edition, 2004), ISBN 0-7355-5080-8
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. 1-11

Rules and Standards of Professional Conduct and the Law Governing Lawyers,  
pp. 11-21

Going Beyond the Rules, pp. 21-32 and Problem 1-1

Methods of Regulating Attorney Conduct: Admissions and the Duty to Report,  
pp. 32-41 and Problem 1-2

- 2 The Disciplinary System, Civil Liability and Legislation, pp. 41-51 and  
Problem 1-3  
Developing a Philosophy of Lawyering, pp. 51-54 and Problem 1-4

**CONFIDENTIALITY:**

The Ethical Duty, pp 84-99 and Problem 2-3

The Attorney-Client Privilege and the Work Product Doctrine Compared to the  
Ethical Duty, (a) pp. 253-261 and Problem 3-3; 206-210 and (b) Problem  
2-11(b)

- 3 Exceptions to the Ethical Duty: Physical Evidence, pp. 99-109 and Problem 2-4  
Exceptions to the Ethical Duty: False Testimony, pp. 109-131 and Problem  
2-5(a), (b), (c), (e)  
Exceptions to the Ethical Duty: Fraud in Business Transactions, pp. 473-497
4. Exceptions to the Ethical Duty: Fraud in Business Transactions, Problem 5-2

**CONFLICTS OF INTEREST:**

Representation against Current Clients, pp. 261-280 and Problem 3-4(a),(b),(d)

Representation against Former Clients and Imputed Disqualification,  
pp. 280-294 and Problems 3-5 and 3-6

5. Multiple Representation in a Single Matter: Codefendants in Criminal Cases,  
pp. 139-153 and Problem 2-7  
Multiple Representation in a Single Matter: Coplaintiffs in Civil Cases,  
pp. 303-310 and Problem 3-8  
Insurance Defense, pp. 310-323 and Problem 3-9  
Multiple Representation in Business Transactions, pp. 461-473 and Problem 5-1
- 6 Other Conflicts of Interest: Clients with Diminished Capacity, pp. 131-139 and  
Problem 2-6  
Advocate-Witness Conflicts, pp. 294-303 and Problem 3-7

**FEES AND CLIENT PROPERTY:**

Fees and Expenses, pp. 217-231 and Problem 3-1

Engagement and Nonengagement Agreements, pp. 231-252 and Problem 3-2

- 7 Fees in Criminal Cases: (a) pp. 79-84 and Problem 2-2(b),(c);  
(b) pp. 197-205 and Problem 2-11(a)

**LIMITATIONS ON ZEALOUS REPRESENTATION:**

Justifications for Defending the Guilty and the Duty of Competency:

(a) pp. 61-72 and Problem 2-1

(b) pp. 72-79 and Problem 2-2(a)  
Frivolous Claims in Civil cases, p. 338-349 and Problem 4-1

8 Investigation: Contacts with Employees, pp. 349-364 and Problem 4-2  
Investigation: Secret Recording and Inadvertent Disclosures, pp. 364-372 and  
Problem 4-3  
Discovery, pp. 372-383 and Problem 4-4

9 Negotiation, pp. 383-400 and Problem 4-5  
Trial Publicity, pp. 153-162 and Problem 2-8  
Limitations on Trial Tactics, pp. 162-176 and Problem 2-9

10 Limitations on Prosecutorial Conduct, pp. 176-197 and Problem 2-10

**DELIVERY OF LEGAL SERVICES:**

Advertising, Solicitation and Other Marketing Practices, pp. 414-438 and  
Problem 4-7

11 Legal Services Plans and Multijurisdictional Practice, pp. 438-450 and  
Problem 4-8

Delivery of Legal Services to Indigents:

\* pp. 210-215 and Problem 2-12

\* pp. 450-459 and Problem 4-9

**JUDICIAL CONDUCT:**

Official Conduct, pp. 547-561 and Problem 6-1

12 Extrajudicial Conduct and Judicial Selection, pp. 561-573 and Problem 6-2

**ETHICAL ISSUES IN PARTICULAR AREAS OF PRACTICE:**

Family Practice, pp. 323-335 and Problem 3-10

Mediation and Arbitration, pp. 401-414 and Problem 4-6

13 Real Estate Practice, pp. 497-509 and Problem 5-3  
Estate Planning and Probate Practice, pp. 509-533 and Problem 5—4  
Government Attorneys, pp. 573-587 and Problem 6-3

14 Public Interest Practice, pp. 588-597 and Problem 6-4

**SPECIAL ETHICAL PROBLEMS OF LAW FIRMS:**

Duty to Supervise, pp. 599-604 and Problem 7-1

Law Firm Organization and Breakups, pp. 604-614 and Problem 7-2

Ancillary Business and Multidisciplinary Practice, pp. 615-619 and Problem 7-3

Quality of Life in Law Firms and Discrimination, pp. 619-621 and Problem 7-4