Course Syllabus

Professional Responsibility

George Mason University School of Law (No. 298-001)

Fall 2012

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Contact Information

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Brief Course Description

This course will focus on lawyers’ relationships with clients, the legal profession, the courts, and the public. Problems of professional responsibility are treated in several contexts, including the lawyer’s duties to the client, the lawyer’s reconciliation of his or her duties to multiple clients, and the lawyer’s reconciliation of his or her obligations to the client(s) with the demands of justice and the public interest.

Required Texts

Hazard et al., The Law and Ethics of Lawyering (5th ed. 2010) [“Casebook”].

Morgan et al., 2012 Selected Standards on Professional Responsibility (2012) [“Rules”].

Examination

The final examination in this course will be worth 85% of your final grade. The remaining 15% of your grade will be for class participation.
**Class Participation**

Your regular attendance and participation in class discussions are critical to this course’s success. In recognition of this, we assign 15% of the final grade to class participation. As long as you are present and prepared, you will receive full points for class participation; it is the *quality*, not the *quantity*, of your contributions to class that we value. If you are *not* present – and are not excused due to illness, clinic court date, or similar circumstances – or not prepared, you will lose points from your class participation score.

**Tentative Schedule of Classes and Course Reading**

Please note: this schedule is tentative only and may change as we move through the semester.

N.B.: For each topic and/or reading, you are responsible for the model rules noted in this syllabus or discussed in class. Unless specifically noted, you are *not* responsible for references to the Model Code or the Restatement of Law Governing Lawyers.

CLASS 1 (Aug. 16, 2012): INTRODUCTION AND WHO IS THE CLIENT?
- Rules: 1.0, 1.13, 1.14, 1.18

CLASS 2 (Aug. 23, 2012): KEEPING CLIENTS’ SECRETS
- Rules: 1.6, 1.8(b), 1.9(c), 1.18(b)
- Casebook: 41-42, 331-71

- Rules: 1.7, 1.8
- Casebook: 391-430

CLASS 4 (Sept. 6, 2012): CONFLICTS: JOINT CLIENTS, FORMER CLIENTS, AND IMPUTATION
- Rules: 1.8(k), 1.9, 1.10
- Casebook: 444-464, 467-87

CLASS 5 (Sept. 13, 2012): CONTROL AND TERMINATION
- Rules: 1.2, 1.4, 1.16
- Casebook: 828-58

CLASS 6 (Sept. 20, 2012): COMPETENCE AND ZEALOUS ADVOCACY
- Rules: 1.1, 1.3, 2.1, 3.1, 3.2
- Casebook: 3-13, 24-25, 111-17, 700-12, 859-64
CLASS 7 (Sept. 27, 2012): THE BUSINESS OF LAWYERING: ADVERTISING AND SOLICITATION
- Rules 7.1-7.5
- Casebook: 940-60
- Apple, Inc. v. Motorola, Inc., No. 1:11-cv-08540, Order of April 21, 2012 (N.D. Ill.).

CLASS 8 (Oct. 4, 2012): DUTIES TO THE TRIBUNAL
- Rules: 3.3, 3.5, 3.7, 4.1,
- Casebook: 640-78, 751-52

CLASS 9 (Oct. 11, 2012): DEALING WITH THIRD PARTIES
- Rules: 4.1, 4.2, 4.3, 4.4
- Casebook: 735-51
- ABA Formal Opinion 07-445

CLASS 10 (Oct. 18, 2012): SUPERVISION AND REPORTING MISCONDUCT
- Rules: 5.1, 5.2, 5.3, 8.3, 8.4
- Casebook: 1107-25, 1163-72

- Rules: 1.5, 5.5
- Casebook: 775-88, 794-802, 921-40

CLASS 12 (Nov. 1, 2012): LITIGATION MISCONDUCT
- Rules: 3.4, 4.1
- Casebook: 380-90, 678-97, 864-75

CLASS 13 (Nov. 8, 2012): SPECIAL RESPONSIBILITIES OF PROSECUTORS
- Rule: 3.8
- Casebook: 712-33
- Brady v. Maryland, 373 U.S. 83 (1963)
- Robert M. Cary, Exculpatory Evidence: A Call for Reform After the Unlawful Prosecution of Senator Ted Stevens, Litigation (Summer 2010)
- Bringing an Unlawful Verdict to Light, Interview with Brendan V. Sullivan, Jr. and Robert M. Cary

CLASS 14 (Nov. 15, 2012): FINAL COURSE REVIEW
- Rules: 6.1, 6.2
- Casebook: 1003-22