PROFESSIONAL RESPONSIBILITY IN THE UNITED STATES
LAWG 2026 - 08
Fall 2016

COURSE SYLLABUS

Thursday 11:10 am – 1:10 pm
McDonough Hall, Room 203

Professor Michael S. Frisch

Professor Julia L. Porter

Office Hours: Thursday 9:30-10:45 am
or by appointment

TEXTS: American Bar Association Model Rules of Professional Conduct
and materials from Articleworks (“Handouts”).

This course addresses the ethical requirements that govern admission to the bar and the practice
of law in the United States. The issues that we will explore are subject to specific (although often
vague) rules that govern attorney behavior.

Our focus is on the American Bar Association Model Rules of Professional Conduct, a version of
which has been adopted in virtually every State. In practice, an attorney’s ethical conduct is
governed by the rules of each court that admits the attorney to practice. Class preparation will
include review of the rule or rules and comments to the rules assigned for class. You should also
review the assigned handouts for class as set forth below.

It is of crucial importance for each student to understand some foundational aspects of the
American legal system. It is an adversary system in which the primary (but not sole) obligations
are owed to the attorney’s clients. These obligations are set forth in Rules 1.1 through 1.16.
Attorneys also owe obligations to courts, opposing and third parties and to the system of justice
itself. The Rules that we will study from 3.1 to 8.5 will address these obligations.
It is also of crucial importance to understand that there are separate State and Federal Courts in the American judicial system. An attorney’s initial admission to practice is before the highest court of a State. The attorney may then be admitted to practice before the courts of other States and the various Federal trial and appellate courts.

Each court that admits an attorney to practice has adopted rules of professional conduct and has the authority to impose discipline for violation of its ethical rules.

Attorneys also may be subject to civil liability for professional lapses and criminal liability for violation of the law.

The exam is

Class participation can raise, but not lower, your grade. Regular failure to attend class will lower your grade. Please let me know if you have a need to miss class.

September 1   Introduction to Course
               Preamble, Scope, Terminology (Rule 1.0)
               Handouts pages 1-15

September 8   Duty of Competence
               Rules 1.1, 1.2, 1.3, 1.4
               Handouts pages 16-39

September 15  Duty of Confidentiality
               Rule 1.6
               Handout pages 40-74

September 22  Duty of Loyalty (one)
               Rules 1.7, 1.9
               Handout pages 75-103

September 29  Duty of Loyalty (two)
               Rules 1.8, 1.10, 1.13
               Handout pages 104-128

October 6      Fees and Safekeeping Property, Supervisory Duties
               Rules 1.15, 1.5, 5.1, 5.2, 5.3
               Handout pages 129-163

October 13    Litigation Ethics (one)
               Rules 3.1, 3.2, 3.3, 4.1, 1.16
               Handout pages 164-190
October 20       Litigation Ethics (two)
                 Rules 3.4, 3.5, 3.7, 4.2, 4.3
                 Handout pages 191-224

October 27      First Amendment Issues
                 Rules 7.1, 7.2, 7.3, 3.6
                 Handout pages 225-257

November 3      Bar Admission
                 Rule 8.1
                 Handout pages 258-274

November 10     Bar Regulation (one)
                 Rules 8.2, 8.3
                 Handout pages 275-303

November 17     Bar Regulation (two)
                 Rules 8.4, 8.5
                 Handout pages 304-352

December 1      Prosecutors and Judges
                 Rule 3.8
                 Handout pages 353-370