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

The 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 has admitted the attorney to practice. Class preparation will include review of the ABA Rules and comments to the Rules assigned for class. You should also review the assigned materials as set forth below.

It is of crucial importance for each student to understand the 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, to opposing parties and their attorneys, to third parties, and to the system of justice itself. The ABA Rules that we will study, particularly 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 U.S. 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 individual Federal courts, as is permitted by those courts. Each court that admits an attorney to practice has the authority to impose discipline for violation of the ethical rules.

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

January 20
Introduction to Course
Preamble: A Lawyer’s Responsibilities and Scope to ABA Model Rules
Rules 1.0, 1.1, 1.2, 1.3
Supp. Mats. Pages 7-25

January 26
Rules 1.4, 1.5
Supp. Mats. Pages 7-25, 331-335

February 2
Rule 1.6
Supp. Mats. Pages 26-47

February 9
Rules 1.7, 1.9
Supp. Mats. Pages 48-67

February 16
NO CLASS

February 23
Rules 1.8, 1.10
Supp. Mats 68-94
March 1       Rules 1.13, 1.15, 2.1, 2.3, 2.4
              Supp. Mats 104-128
March 8       NO CLASS
March 15      Rules 3.1, 3.2, 3.3, 3.4, 3.7, 3.8
              Supp. Mats 129-163
March 22      Rules 4.1, 1.16
              Supp. Mats 129-163 (continued)
March 29      Rules 3.4, 3.5, 3.6, 3.7, 3.8
              Supp. Mats 164-169
April 5       Rules 4.2, 4.3, 4.4
              Supp. Mats 170-201
April 12      Rules 8.1, 8.3, 8.4, 8.5
April 19      Judicial Ethics Lecture
April 21      Review

As I am not at school every day, it is best to email me for an appointment should you wish to see me. You may also send questions via email. All will be responded to.