

# Professional Responsibility

Spring 2024

Law 298 (002)

Rob Willey

703-993-8104

[rwilley@gmu.edu](mailto:rwilley@gmu.edu)

**This syllabus may be updated during the semester.**

## Texts

- ETHICAL PROBLEMS IN THE PRACTICE OF LAW, 6<sup>th</sup> Edition, by Lisa G. Lerman, Philip G. Schrag, and Robert Rubinson. Available from the bookstore or Amazon (<https://www.amazon.com/Ethical-Problems-Practice-Aspen-Casebook/dp/1543846211>)
- ABA MODEL RULES OF PROFESSIONAL CONDUCT
  - The rules are available for free in a several locations. To make sure we are all using the same version, we'll use the one available on the ABA's website:  
[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/)
- Additional materials may be posted on TWEN in the "course materials" area.

## TWEN

Make sure to add the TWEN course so you can access these materials easily. I will also use TWEN to send emails to the class, and you will only receive this if you have added the course.

## Class Assignments and Schedule\*

\*Print book and ebook page #s may vary, so use the headings to guide you. Syllabus is keyed to the ebook. Readings may be added or removed as the class progresses.

<b>Date</b>	<b>Topic</b>	<b>Assignment</b> (unless otherwise noted, readings are in ETHICAL PROBLEMS IN THE PRACTICE OF LAW)
January 17	History, Sources of Regulation  Model Rules: 1.2(d), 8.3, 5.1, 5.2, 5.3	Read — From Chapter 2:  Institutions that regulate lawyers, pp. 63–78;  State ethics codes, pp. 78–89  Grounds for discipline, pp. 89–101  Reporting misconduct by other lawyers, pp. 105–121
January 24	Lawyer-Client Relationship  Model Rules: 1.1, 1.3, 1.4, 2.1, 1.2, 1.14, 1.16	Read — From Chapter 3:  Formation of the lawyer-client relationship, pp. 138–150  Competence, pp. 150–155  Diligence, pp. 168–170  Candor, pp. 170–179  The competent adult client, pp. 188–197  Clients with diminished capacity, pp. 197–207  Terminating a lawyer-client relationship, pp. 207–213
January 31	Client Confidences	Read — From Chapter 4:

	<p>Model Rules: 1.6, 1.1 — Comment 8, 1.8(b)</p>	<p>The basic principle of confidentiality, pp. 216–230</p> <p>Exceptions to the duty to protect confidences, pp. 230–247 and pp. 257–261</p> <p>Revealing confidences to obtain advice about legal ethics, pp. 270</p> <p>Using a client’s confidential information to protect the lawyer’s interests, pp. 270–274</p> <p>Revealing confidences to comply with a court order or other law, pp. 274</p> <p>Use or disclosure of confidential information for personal gain or to benefit another client, pp. 275–277</p>
February 7	<p>Conflicts: Current Clients</p> <p>Model Rules: 1.7, 1.10</p>	<p>Read — Chapter 6 (entire chapter)</p>
February 14	<p>Conflicts: Former and Prospective Clients</p> <p>Model Rules: 1.9, 1.10, 1.18</p>	<p>Read — Chapter 7 (entire chapter)</p>
February 21	<p>Conflicts: Specific Circumstances</p> <p>Model Rules: 1.7, 1.0(e), 1.13, 1.8(f)</p>	<p>Read — From Chapter 8:</p> <p>Representing multiple parties who are not in litigation, pp. 420–435</p> <p>Representing insurance companies and insured persons, pp. 454–458</p>

		Representing employers and immigrant employees, 458–459
February 28	Review & Catchup	Catch up on any readings you are behind on and start on next week's reading, which is long.
<b>March 6</b>	<b>Spring Recess: No Class</b>	
March 13	Conflicts: Lawyers & Clients  Model Rules: 1.5, 1.8(d), (e), and (h), 1.15, 1.8(a), (c)	Read — Chapter 9, entire chapter <b>except</b> : <i>Billing irregularities: A case study</i> , 494–500; <i>Fee arbitration</i> , 515–516; <i>Collection of fees</i> , 515–518.
March 20	Lawyers' Duties to Courts  Model Rules: 3.1, 3.3, 3.4, 3.5, 3.6, 3.7	Read — From Chapter 11:  Being a good person in an adversary system <b>through</b> Truth and falsity in litigation, pp. 588–622
March 27	Lawyers' Duties to Courts, continued  Model Rules: 3.1, 3.3, 3.4, 3.5, 3.6, 3.7	Read — From Chapter 11:  Concealment of physical evidence and documents <b>through</b> Lawyers' duties in nonadjudicative proceedings ( <i>Skip Problem 11-7</i> ), pp. 622–642; 646–670
April 3	Duties to Adversaries and Third Parties  Model Rules: 4.1, 4.4, 4.2, 4.3, 8.4	Read — From Chapter 12:  Communications with lawyers and third persons, pp. 673–707  Conduct prejudicial to the administration of justice, pp. 731–734  Are lawyers really too zealous?, pp. 734–736

April 10	Advertising and Involvement of Non-Lawyers  Model Rules: 5.5, 7.1, 7.2(b), 7.3, 5.4, 1.8(f)	Read — From Chapter 13:  Unauthorized practice of law: Who can provide legal services <b>through</b> Financing law practice, (Skip “Programs allowing nonlawyers to provide some legal assistance” and “New providers of legal services”) pp. 738–753; 760–784
April 17	Review & Catchup	

## Office Hours

Available by appointment. Please email me to schedule an appointment.

## Learning Outcomes

By the end of the course students should:

- Be familiar with important Rules of Professional Conduct.
- Understand and be able to identify conflicts of interest.
- Understand attorneys’ ethical responsibilities to clients, including confidentiality, competence, and diligence.

## Basis of Evaluation

Sixty percent (60%) of your grade will be based on a final exam. You may not discuss or collaborate on the final exam. During the exam, you may consult your casebook, the Model Rules of Professional Conduct (including comments), and any notes that you have taken. Do not use any other resources during the exam.

The other 40% of your grade will be based on quizzes given throughout the semester.

Class participation *may* be used to increase or reduce a final course grade to the next higher or lower grade (e.g., from a B to a B+ or from an A- to a B+).

## Disability Services

Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding the laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please first visit <https://ds.gmu.edu/> for detailed information about the

Disability Services registration process. Then please discuss your approved accommodations with me. Disability Services is located in Student Union Building I (SUB I), Suite 2500. Email: [ods@gmu.edu](mailto:ods@gmu.edu) | Phone: (703) 993-2474.

## Inclement Weather

If the school closes due to weather, we will hold class at our regularly schedule time over Zoom. Here is the link we will use should that happen:

<https://gmu.zoom.us/j/96378987297>.

## Class Recordings Prohibited

Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or any type of camera. Any exceptions to this policy must be expressly permitted in writing by me.