



SYLLABUS for
Avoiding Traps for New Lawyers
SPRING 2019

INSTRUCTORS:

Dean Michael L. Coyne

978.681.0800/coyne@msslaw.edu

Webpage: msslaw.edu/mcoyne

Professor Mick Coyne

978.681.0800/mick@msslaw.edu

Webpage: msslaw.edu/coyne-tech

Text: *Traps for the Unwary* 6th Edition (PDF – provided free of charge to MSLAW students by the Massachusetts Bar Association with membership). We will make MBA enrollment forms available to the class so this text can be provided at no cost.

Course Requirements & Class Participation:

The audio and weekly questions for **Avoiding Traps for New Lawyers** are available on MSLAW's website at msslaw.edu/avoiding-traps. Frequently the audio will have experts in the area discuss problems and pitfalls that the new lawyer will likely face and provide tips for early recognition of potential traps and successful strategies in dealing with issues before they become major problems. Please be sure that you respond by e-mail to the questions posted for each section's assignment. You must respond timely to these questions as your grade is based upon your answers to those questions and the final in-class examination.

Please immediately email me and acknowledge your participation in this class. Upon doing so, we will forward a registration form from the Massachusetts Bar Association to enroll you as a student member, and give you access to the text. The important cases within the text and any supplemental cases will be on TWEN with the questions for each week.

WEEK 1

The Attorney/Client Relationship – Chapters 2 & 3 pp. 4-18

Advertising
Attorney Fee Agreements and Attorney Fee Disputes
Attorney Malpractice
Client Funds
Conflict of Interest
Audio: Biggest Problems New Lawyers Face

WEEK 2

Business of the Practice of Law – Chapter 5 pp. 21-25

Attorney Malpractice Insurance
Liability for Attorney Torts
Tax Advice Disclaimer
Withdrawal from a Law Partnership
Audio: Properly Operating the Business of Your Law Practice

WEEK 3

Divorce and Probate Law – Chapter 7 p. 28; Chapter 11 pp. 36-38

Divorces
Estate Planning
Health Care Proxy
Probate
Wills
Audio: Being a Better Advocate and Avoiding Nightmares

WEEK 4

Property and Conveyancing – Chapter 12 pp. 39-44

Real Estate
Transfer of Real Estate of an Elderly Person
Lease
Landlord & Tenant
Audio: Conveyancing Issues, Common Disasters, and Being Successful – Not Just Busy

WEEK 5

Motor Vehicle Crimes and Defenses in the District Court – Chapter 10 pp. 33-34

Automobile Accidents

Drug Offenses

Uninsured or Underinsured Motor Vehicle Insurance, Personal Injury Claims

Audio: Thoughts and Tips on Efficiently and Effectively Handling District Court Motor Vehicle and Drug Cases

WEEK 6

Public Law – Chapter 13 pp. 45-47

Alcoholic Beverage Licenses

Federal Tort Claims Act

State Tort Claims Act – General Laws Ch. 258

New MA Recreational Marijuana Laws

WEEK 7

ADR, Settlements and Releases – Chapter 14 pp. 49-50

“In Full Settlement”

Mediation

Releases

Settlements

Audio: Cleaning Up the Mess Before Cashing Out

WEEK 8

Tax and Financial Traps – Chapter 15 pp. 53-55

Estate Tax

Income Tax on Judgments and Settlements

Preparation of Tax Returns

Tax Abatements

Audio: Know Enough Tax So You Know When You Need to Get Help

WEEK 9

Tort and Insurance Practice – Chapter 16 pp. 56-59

Debt Collection

Negligent Distribution of Alcohol to Minor or Intoxicated Person

Suits Against Decedents and Parental Loss of Consortium

Workers' Compensation
Audio: Common Issues and Mistakes to Avoid

WEEK 10

Civil Practice and Procedure – Chapter 17 pp. 60-81

Abuse Prevention Orders and Divorce
Complaint
Attachment
Notice Requirements
Pleadings
Pre-trial Motion Practice

Audio: Successfully Dealing with Clerks, the Courts, and Clients

WEEK 11

Massachusetts Evidence – Selections from The Massachusetts Guide to Evidence (located at <http://www.mass.gov/courts/case-legal-res/guidelines/mass-guide-to-evidence/>)

Inferences, Prima Facie Evidence, and Presumptions
Relevancy
Privileges and Disqualifications
Witnesses
Hearsay
Authentication and Identification
Contents of Writings and Records
Abuse Prevention Orders
Eyewitness Identification

Audio: Most Important Massachusetts Differences and Often Used Statutory Provisions

WEEK 12

Discovery Practice – Chapter 17 pp. 63, 67, & 72

Discovery and Depositions
Interrogatories
Requests for Production
Requests for Admission
Sanctions

Audio: Winning Cases in the Trenches; Tales from The Darkside

WEEK 13

Statutes of Limitation – Chapter 17 pp. 74, 76

Airline Personal Injury Litigation
Civil Rights Violations
Consumer Protection Claims
Employment Discrimination
Malpractice Claims/Breach of Contract

Audio: Massachusetts Statute of Limitations and Prerequisites; They Are Measured Years

WEEK 14

Data Protection Issues – Reading below (via Westlaw)

[201 C.M.R. § 17](#)

[In re TJX Companies Retail Sec. Breach Litig., 564 F.3d 489 \(1st Cir. 2009\), as amended on reh'g in part \(May 5, 2009\)](#)

Audio: Protecting Your Clients and Confidential Data; Avoiding Financial Armageddon

WEEK 15

Labor and Employment – Chapter 9 p. 32

Employment Discrimination
Noncompetition Agreements
Unemployment Compensation Claims

Audio: Common Labor and Employment Issues, and How to Successfully Handle These Problems