



SYLLABUS for
Avoiding Traps for New Lawyers
SPRING 2021

INSTRUCTORS:

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

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 in the TWEN Assignments & Quizzes section 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 enrollment 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: Traps Podcast Week 1 - The 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: Traps Podcast Week 2 - 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: Traps Podcast Week 3 - 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: Traps Podcast Week 4 - 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: Traps Podcast Week 5 - 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

Audio: Traps Podcast Week 6 - Avoiding Traps for New Lawyers

WEEK 7

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

“In Full Settlement”

Mediation

Releases

Settlements

Audio: Traps Podcast Week 7 - 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: Traps Podcast Week 8 - 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: Traps Podcast Week 9 - 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: Traps Podcast Week 10 - 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: Traps Podcast Week 11 - 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: Traps Podcast Week 12 - 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: Traps Podcast Week 13 - Massachusetts Statute of Limitations and Prerequisites, Malpractice Claims, and Law Office Management w/ MA LOMAP

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: Traps Podcast Week 14 - 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: Traps Podcast Week 15 - Common Labor and Employment Issues, and How to Successfully Handle These Problems