

MASSACHUSETTS SCHOOL OF LAW at ANDOVER  
LEGAL ETHICS  
Syllabus Spring 2021  
Professor Paula Colby-Clements

Materials: Annotated Model Rules of Professional Conduct  
(9th Edition) by Ellen J. Bennett and Helen W.  
Gunnarsson. Published by the ABA.

You will also need to access The Canons of Judicial  
Conduct online at:

[http://www.americanbar.org/groups/  
professional\\_responsibility/publications/  
model\\_code\\_of\\_judicial\\_conduct.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html)

MASSACHUSETTS RULES OF PROFESSIONAL CONDUCT

(Available online at [www.mass.gov/obcbbo/rpcnet.htm](http://www.mass.gov/obcbbo/rpcnet.htm))  
or on my faculty website.

**RECOMMENDED:** A Comprehensive Outline for MPRE Review.  
(No Charge) We will discuss this on the first day of  
class.

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Class Time: Tuesday and Thursday  
9:30 AM to 10:50AM  
or 7:30 PM to 8:50 PM

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**Week of January 25<sup>th</sup>**

MPRE Key Words and Phrases

MPRE Subject Matter Outline Review

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Read: Preamble and Scope pages 1 -14.  
Terminology pages 15-18.

**The Law as a Regulated Profession**

Review the following rules and annotations:

- 1.17 Sale of a Law Practice
  - 5.1 Responsibility of Partners, Managers, & Supervisory Lawyers
  - 5.2 Responsibility of a Subordinate Lawyer
  - 5.3 Responsibility Regarding Non-Lawyer Assistance
  - 5.5 Unauthorized Practice of Law
  - 8.5 Disciplinary Authority
  - 8.4 General Misconduct
  - 8.3 Duty to Report Misconduct
- And Rules Regarding Ethical Law Practice:
- 5.6 Restrictions on a Lawyer's Right to Practice
  - 6.1 Voluntary Pro Bono Publico Service

**Week of February 1st**

Lawyer Advertising and the First Amendment

**Maintaining an Ethical Law Practice**

Review the following rules and annotations:

- Rule 1.5 Fees
- Rule 1.15 Safe-Keeping Property
- Rule 1.16 Declining or Terminating Representation
- Rule 1.18 Duties to Prospective Clients
- Rule 7.1 Communication Regarding a Lawyer's Services
- Rule 7.2 Advertising

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Rule 7.3 Solicitation

Rule 7.4 Communication of Fields and Practice & Specialization

Rule 7.5 Firm Names and Letterhead

Rule 7.6 Political Contributions and Judicial Appointments

**Week of February 8<sup>th</sup>**

**Duties Owed to Client**

Review the following rules and annotations:

1.1 Competence

1.2 Scope of Representation and Allocation of Authority

1.3 Diligence

1.4 Communication

2.1 Lawyer as Advisor

2.3 Evaluation for Use by Third Persons

2.4 Lawyer Serving as a Third Party Neutral

5.4 Professional Independence

1.6 Confidentiality of Information

Attorney-Client Privilege

Malpractice Liability

**Week of February 15<sup>th</sup>**

**Conflicts of Interest**

Review the following rules and annotations:

1.7 Conflicts of Interest: Current Clients

1.8 Conflicts of Interest: Current Clients: Specific Rules

1.9 Duties to Former Clients

1.10 Imputation of Conflicts of Interest

1.11 Special Conflicts of Interest

1.12 Conflicts and Former Judicial Officers

1.13 Organization as a Client

1.14 Clients with Diminished Capacity

**Week of February 22nd**

**Conflicts of Interest Continued**

**Week of March 1st**

**Duties to Interests Outside the Lawyer-Client Relationship**

Review the following rules and annotations:

3.1 Meritorious Claims and Contentions

3.2 Expediting Litigation

3.3 Candor Toward the Tribunal

3.4 Fairness to Opposing Counsel

3.5 Impartiality Towards the Tribunal

3.6 Trial Publicity

3.7 Lawyer as a Witness

3.8 Special Responsibilities of a Prosecutor

3.9 Advocate in Non-Adjudicative Proceeding

4.1 Truthfulness in Statements to Others

4.2 Communication with Persons Represented by Counsel

4.3 Dealing with Unrepresented Persons

4.4 Respect for Rights of Third Persons

**Week of March 8th**

**Maintaining the Integrity of the Profession/Judicial Ethics**

Review the following rules and annotations:

8.1 Bar Admission and Disciplinary Matters

8.2 Judicial and Legal Officials

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**Week of March 15<sup>th</sup>**

MODEL CODE OF JUDICIAL CONDUCT  
REVIEW ALL CANNONS AND RULES

**Week of March 22<sup>nd</sup>**

**MID-TERM EXAM**

*NOTE: THE PLAN IS FOR THE MID-TERM TO BE A FULL 2 HOUR SIMULATED MPRE EXAM. WE WILL DISCUSS HOW TO CARVE OUT THE TIME PRIOR TO THIS WEEK.*

**MONDAY: MID-TERM**

**WEDNESDAY: REVIEW MID-TERM**

**MPRE TEST DATES ARE: March 29<sup>th</sup>/30<sup>th</sup>**

**Week of March 29<sup>th</sup>**

**No Class Monday Due to MPRE Administration**

MPRE Debrief

Overview of MA Rules of Professional Conduct

**Week of April 5<sup>th</sup>**

CONFLICTS

Karen Horowitz's Dilemma

Murder One Murder Two

Murder at the Ballgame

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Will You Represent Us Both/They're All on The Same Page

Ed's Daughter Was Driving

**Week of April 12<sup>th</sup>**

SUCCESSIVE CONFLICTS

Divorce and Default

Do I Still Owe the Record Store?

Stop the High Rise

You Don't Know Anything

Can We Hire Taylor Monk

**Week of April 19<sup>th</sup>**

Ethics in Advocacy, Candor Toward the Tribunal & Special Issues  
in Criminal Prosecution

**Monday:** No Class - Patriots Day

**Wednesday:**

Out Carousing with Mikey

Did you Communicate with Cassie?

Maxwell's Sliver Handle .38

The White Women on the Walls Have to Go

We Can Make No Promises

**April 26<sup>th</sup>**

Confidentiality and Privilege

My Client is HIV Positive

Dig They Must

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I'd Rather Die

Accept the Offer

Something you Should Know

**Week of May 3<sup>rd</sup>**

REVIEW

**May 10<sup>th</sup>**

Official Last Day of Class

## Rules (Note that here are hyperlinks to the rules on the ABA's website)

[Preamble and Scope](#)

[Rule 1.0](#) Terminology

### Client-Lawyer Relationship

[Rule 1.1](#) Competence

[Rule 1.2](#) Scope of Representation and Allocation of Authority Between Client and Lawyer

[Rule 1.3](#) Diligence

[Rule 1.4](#) Communications

[Rule 1.5](#) Fees

[Rule 1.6](#) Confidentiality of Information

[Rule 1.7](#) Conflict of Interest: Current Clients

[Rule 1.8](#) Conflict of Interest: Current Clients: Specific Rules

[Rule 1.9](#) Duties to Former Clients

[Rule 1.10](#) Imputation of Conflicts of Interest: General Rule

[Rule 1.11](#) Special Conflicts of Interest for Former and Current Government Officers and Employees

[Rule 1.12](#) Former Judge, Arbitrator, Mediator or Other Third-Party Neutral

[Rule 1.13](#) Organization as Client

[Rule 1.14](#) Client with Diminished Capacity

[Rule 1.15](#) Safekeeping Property

[Rule 1.16](#) Declining or Terminating Representation

- [Rule 1.17](#) Sale of Law Practice
- [Rule 1.18](#) Duties to Prospective Client

## Counselor

- [Rule 2.1](#) Advisor
- [Rule 2.2](#) (Deleted)
- [Rule 2.3](#) Evaluation for Use by Third Persons
- [Rule 2.4](#) Lawyer Serving as Third-Party Neutral

## Advocate

- [Rule 3.1](#) Meritorious Claims and Contentions
- [Rule 3.2](#) Expediting Litigation
- [Rule 3.3](#) Candor toward the Tribunal
- [Rule 3.4](#) Fairness to Opposing Party and Counsel
- [Rule 3.5](#) Impartiality and Decorum of the Tribunal
- [Rule 3.6](#) Trial Publicity
- [Rule 3.7](#) Lawyer as Witness
- [Rule 3.8](#) Special Responsibilities of a Prosecutor
- [Rule 3.9](#) Advocate in Non-adjudicative Proceedings

## Transactions with Persons Other Than Clients

- [Rule 4.1](#) Truthfulness in Statements to Others
- [Rule 4.2](#) Communication with Person Represented by Counsel
- [Rule 4.3](#) Dealing with Unrepresented Person
- [Rule 4.4](#) Respect for Rights of Third Persons

## Law Firms and Associations

- [Rule 5.1](#) Responsibilities of a Partner or Supervisory Lawyer
- [Rule 5.2](#) Responsibilities of a Subordinate Lawyer
- [Rule 5.3](#) Responsibilities Regarding Nonlawyer Assistance
- [Rule 5.4](#) Professional Independence of a Lawyer
- [Rule 5.5](#) Unauthorized Practice of Law; Multijurisdictional Practice of Law
- [Rule 5.6](#) Restrictions on Rights to Practice
- [Rule 5.7](#) Responsibilities Regarding Law-related Services

## Public Service

- [Rule 6.1](#) Voluntary Pro Bono Publico Service
- [Rule 6.2](#) Accepting Appointments
- [Rule 6.3](#) Membership in Legal Services Organization
- [Rule 6.4](#) Law Reform Activities Affecting Client Interests
- [Rule 6.5](#) Nonprofit and Court Annexed Limited Legal Services Programs

## Information About Legal Services



- [Rule 7.1](#) Communication Concerning a Lawyer's Services
- [Rule 7.2](#) Communications Concerning a Lawyer's Services: Specific Rules
- [Rule 7.3](#) Solicitation of Clients
- Rule 7.4 (Deleted)
- Rule 7.5 (Deleted)
- [Rule 7.6](#) Political Contributions to Obtain Legal Engagements or Appointments by Judges

## Maintaining the Integrity of the Profession

- [Rule 8.1](#) Bar Admission and Disciplinary Matters
- [Rule 8.2](#) Judicial and Legal Officials
- [Rule 8.3](#) Reporting Professional Misconduct
- [Rule 8.4](#) Misconduct
- [Rule 8.5](#) Disciplinary Authority; Choice of Law