

MASSACHUSETTS SCHOOL OF LAW at ANDOVER
LEGAL ETHICS
Syllabus Spring 2022
Professor Paula Colby-Clements

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

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

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/obcbo/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

Week of January 17th

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 January 24th

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 January 31st

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 7th

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

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1.12 Conflicts and Former Judicial Officers

1.13 Organization as a Client

1.14 Clients with Diminished Capacity

Week of February 14th

Conflicts of Interest Continued

Week of February 21st

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 February 28th

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 7th

Tuesday, March 8th

MODEL CODE OF JUDICIAL CONDUCT

REVIEW ALL CANNONS AND RULES

Thursday, March 10th

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.

Week of March 14th

SPRING BREAK

Week of March 21st

Tuesday, March 22nd... Review Results of Mid-term: Final Discussion of MPRE.

NO CLASS THURSDAY THE 24TH AS STUDENTS WILL BE TAKING THE MPRE.

Week of March 28th

MPRE Debrief

Overview of MA Rules of Professional Conduct

Week of April 4th

CONFLICTS

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Karen Horowitz's Dilemma

Murder One Murder Two

Murder at the Ballgame

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

Ed's Daughter Was Driving

Week of April 11th

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 18th

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

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

Week of April 25th

Confidentiality and Privilege

My Client is HIV Positive

Dig They Must

I'd Rather Die

Accept the Offer

Something you Should Know

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

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Rule 8.3 Reporting Professional Misconduct

Rule 8.4 Misconduct

Rule 8.5 Disciplinary Authority; Choice of Law