



SYLLABUS for
Avoiding Traps for New Lawyers
SPRING 2024

INSTRUCTORS:

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Text: *Traps for the Unwary* 7th Edition (PDF – students must register with the Massachusetts Bar Association for a student membership to get the text). The link to register as a student member will be posted TWEN when the course goes live. 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 mslaw.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.

WEEK 1

The Attorney/Client Relationship – Chapters 2 & 3 pp. 8-25, 26-31

Advertising

Attorney Fee Agreements and Attorney Fee Disputes

Attorney Malpractice

Client Funds

Conflict of Interest

Discipline Issues

Audio: Traps Podcast Week 1 - The Biggest Problems New Lawyers Face

WEEK 2

Business of the Practice of Law – Chapter 5 pp. 35-40

Attorney Malpractice Insurance

Email Disclaimers

Liability for Attorney Torts

Safeguarding PII

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. 44-47; Chapter 12 pp. 72-75

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 13 pp. 77-85

Real Estate

Transfer of Real Estate of an Elderly Person

Lease

Landlord & Tenant

Lead Paint

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. 68-69

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. 86-88

Alcoholic Beverage Licenses

Federal Tort Claims Act

State Tort Claims Act – General Laws Ch. 258

Recreational Marijuana Laws

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

WEEK 7

ADR, Settlements and Releases – Chapter 15 pp. 90-93

“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 16 pp. 96-100

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 17 pp. 101-104

Debt Collection

Negligent Distribution of Alcohol to Minor or Intoxicated Person

Notice to Excess Liability Insurer

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 18 pp. 107-126

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 <https://www.mass.gov/guides/massachusetts-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 18 pp. 112, 118, & 123

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 10 pp. 54-66, Chapter pp. 41-43, Chapter 2 pp. 14-17

Airline Personal Injury Litigation

Consumer Protection Claims

Employment Discrimination

Malpractice Claims

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, pp. 51-52

Employment Discrimination

Noncompetition Agreements

Unemployment Compensation Claims

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