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 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/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.

**ALL STUDENTS TAKING LEGAL ETHICS SHOULD BE REGISTERED FOR THE MARCH MPRE**. To register go to the National Conference of Bar Examiners website: [Bar Exams | MPRE UBE MBE MEE MPT NextGen | NCBE (ncbex.org)](https://www.ncbex.org/exams)

Instructor: Professor Paula Colby-Clements

Email: [pcolby@mslaw.edu](mailto:pcolby@mslaw.edu)

Phone: 978-681-0800 x138

Class Time: Tuesday and Thursday

9:30 AM to 10:50AM

or 7:30 PM to 8:50 PM

**Course Grading:**

Class Participation 5%

Quizzes 5%

Mid Term Exam 10%

Final Exam 80%

**Week of January 15th**

MPRE Key Words and Phrases

MPRE Subject Matter Outline Review

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 22nd**

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

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 29th**

**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 5th**

**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 12th**

**Conflicts of Interest Continued**

**Week of February 19th**

**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 26th**

**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

**Week of March 4th**

**Tuesday, March 5th**

MODEL CODE OF JUDICIAL CONDUCT

REVIEW ALL CANNONS AND RULES

**Thursday, March 7th**

**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 11th**

**SPRING BREAK**

**Week of March 18th**

*Tuesday, March 19th… Review Results of Mid-term*

*Thursday, March 21st: Remote Full MPRE Practice Test (Done to prep for MPRE. Not part of course grade).*

**Week of** **March 25th**

March 26th and 27th MPRE Test Dates (NCBEX.Org)

MPRE Debrief

Thursday March 28th: Overview of MA Rules of Professional Conduct: Guest Visitor Joseph Makalusky Office of Bar Counsel

**Week of April 1st**

**CONFLICTS**

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 8th**

**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 15th**

**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 29th**

**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](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope/)

[Rule 1.0](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_0_terminology/)       Terminology

Client-Lawyer Relationship

[Rule 1.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/)       Competence  
[Rule 1.2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_2_scope_of_representation_allocation_of_authority_between_client_lawyer/)       Scope of Representation and Allocation of Authority Between Client and Lawyer  
[Rule 1.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_3_diligence/)       Diligence  
[Rule 1.4](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_4_communications/)       Communications  
[Rule 1.5](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_5_fees/)       Fees  
[Rule 1.6](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_6_confidentiality_of_information/)       Confidentiality of Information  
[Rule 1.7](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_7_conflict_of_interest_current_clients/)       Conflict of Interest: Current Clients  
[Rule 1.8](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_8_current_clients_specific_rules/)       Conflict of Interest: Current Clients: Specific Rules  
[Rule 1.9](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_9_duties_of_former_clients/)       Duties to Former Clients  
[Rule 1.10](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_10_imputation_of_conflicts_of_interest_general_rule/)     Imputation of Conflicts of Interest: General Rule  
[Rule 1.11](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_11_special_conflicts_of_interest_for_former_current_government_officers_employees/)     Special Conflicts of Interest for Former and Current Government Officers and Employees  
[Rule 1.12](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_12_former_judge_arbitrator_mediator_or_other_third_party_neutral/)     Former Judge, Arbitrator, Mediator or Other Third-Party Neutral  
[Rule 1.13](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_13_organization_as_client/)     Organization as Client  
[Rule 1.14](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_14_client_with_diminished_capacity/)     Client with Diminished Capacity  
[Rule 1.15](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_15_safekeeping_property/)     Safekeeping Property  
[Rule 1.16](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_16_declining_or_terminating_representation/)     Declining or Terminating Representation  
[Rule 1.17](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_17_sale_of_law_practice/)     Sale of Law Practice  
[Rule 1.18](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_18_duties_of_prospective_client/)     Duties to Prospective Client

Counselor

[Rule 2.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_2_1_advisor/)       Advisor  
Rule 2.2       (Deleted)  
[Rule 2.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_2_3_evaluation_for_use_by_third_persons/)       Evaluation for Use by Third Persons  
[Rule 2.4](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_2_4_lawyer_serving_as_third_party_neutral/)       Lawyer Serving as Third-Party Neutral

Advocate

[Rule 3.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_1_meritorious_claims_contentions/)      Meritorious Claims and Contentions  
[Rule 3.2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_2_expediting_litigation/)      Expediting Litigation  
[Rule 3.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_3_candor_toward_the_tribunal/)      Candor toward the Tribunal  
[Rule 3.4](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_4_fairness_to_opposing_party_counsel/)      Fairness to Opposing Party and Counsel  
[Rule 3.5](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_5_impartiality_decorum_of_the_tribunal/)      Impartiality and Decorum of the Tribunal  
[Rule 3.6](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_6_trial_publicity/)      Trial Publicity  
[Rule 3.7](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_7_lawyer_as_witness/)      Lawyer as Witness  
[Rule 3.8](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_8_special_responsibilities_of_a_prosecutor/)      Special Responsibilities of a Prosecutor  
[Rule 3.9](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_9_advocate_in_nonadjudicative_proceedings/)      Advocate in Non-adjudicative Proceedings

Transactions with Persons Other Than Clients

[Rule 4.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_1_truthfulness_in_statements_to_others/)      Truthfulness in Statements to Others  
[Rule 4.2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_2_communication_with_person_represented_by_counsel/)      Communication with Person Represented by Counsel  
[Rule 4.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_3_dealing_with_unrepresented_person/)      Dealing with Unrepresented Person  
[Rule 4.4](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_4_respect_for_rights_of_third_persons/)      Respect for Rights of Third Persons

  Law Firms and Associations

[Rule 5.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_1_responsibilities_of_a_partner_or_supervisory_lawyer/)      Responsibilities of a Partner or Supervisory Lawyer  
[Rule 5.2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_2_responsibilities_of_a_subordinate_lawyer/)      Responsibilities of a Subordinate Lawyer  
[Rule 5.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_3_responsibilities_regarding_nonlawyer_assistant/)      Responsibilities Regarding Nonlawyer Assistance  
[Rule 5.4](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_4_professional_independence_of_a_lawyer/)      Professional Independence of a Lawyer  
[Rule 5.5](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_5_unauthorized_practice_of_law_multijurisdictional_practice_of_law/)      Unauthorized Practice of Law; Multijurisdictional Practice of Law  
[Rule 5.6](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_6_restrictions_on_rights_to_practice/)      Restrictions on Rights to Practice  
[Rule 5.7](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_7_responsibilities_regarding_law_related_services/)      Responsibilities Regarding Law-related Services

Public Service

[Rule 6.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service/)      Voluntary Pro Bono Publico Service  
[Rule 6.2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_2_accepting_appointments/)      Accepting Appointments  
[Rule 6.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_3_membership_in_legal_services_organization/)      Membership in Legal Services Organization  
[Rule 6.4](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_4_law_reform_activities_affecting_client_interests/)      Law Reform Activities Affecting Client Interests  
[Rule 6.5](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_5_nonprofit_court_annexed_limited_legal_services_programs/)      Nonprofit and Court Annexed Limited Legal Services Programs

Information About Legal Services

[Rule 7.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_1_communication_concerning_a_lawyer_s_services/)      Communication Concerning a Lawyer's Services  
[Rule 7.2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_2_advertising/)      Communications Concerning a Lawyer's Services: Specific Rules  
[Rule 7.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_3_direct_contact_with_prospective_clients/)      Solicitation of Clients  
Rule 7.4      (Deleted)  
Rule 7.5      (Deleted)  
[Rule 7.6](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_6_political_contributions_to_obtain_legal_engagements_or_appointments_by_judges/)      Political Contributions to Obtain Legal Engagements or Appointments by Judges

Maintaining the Integrity of the Profession

[Rule 8.1](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_1_bar_admission_disciplinary_matters/)      Bar Admission and Disciplinary Matters  
[Rule 8.2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_2_judicial_legal_officials/)      Judicial and Legal Officials  
[Rule 8.3](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_3_reporting_professional_misconduct/)      Reporting Professional Misconduct  
[Rule 8.4](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_4_misconduct/)      Misconduct  
[Rule 8.5](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_5_disciplinary_authority_choice_of_law/)      Disciplinary Authority; Choice of Law