



SYLLABUS for  
**Avoiding Traps for New Lawyers**  
**SPRING 2026**

**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](http://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 - Lawyer Wellbeing in Massachusetts*