Syllabus - Legal Ethics
Fall 2006

By the end of the second week of class, you are expected to have read all of the black letter rules in the Model Rules of Professional Conduct and the comments for each rule. This will give you a good overview of the Rules. Often in class, we will refer to rules that have not been specifically assigned for (or before) that class and may not be separately assigned at all.

IMPORTANT: Read the comments for each Model Rule assigned. Specific comments indicated are those which you should emphasize in your reading.

1. Tuesday, August 29
   Read:
   - Model Rules and Comments (MR) - pp. 9-13 “Preamble: A Lawyer’s Responsibilities”

2. Thursday, August 31
   Read:
   - Gillers - pp. 71-72 and 80-85
   - MR - Rule 1.1 Competence and comments; Rule 1.4(a) and (b) Communication and comments; Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer and comments

   In class: Lancer tape

3. Tuesday, September 5
   Read:
   - Gillers - pp. 423-26 and 357-58
   - MR - Rule 1.6 Confidentiality of Information and comments; Rule 8.4(c) Misconduct and comments; Rule 4.1 Truthfulness in Statements to Others and comments; Rule 3.3 Candor Toward the Tribunal and comments; Rule 1.16 Declining or Terminating Representation and comments

   In class:
   Lancer tape continued; Spaulding v. Zimmerman (handout); for those interested, see contra Kerwit Medical Products, Inc. v. N.&H. Instruments, Inc., 616 F.2d 833 (5th Cir. 1980)
4. **Thursday, September 7**
   **Read:**
   - Gillers - pp. 185-90
   - MR - Rule 1.1 Competence and comments with emphasis on Comment [3]; Rule 1.5(a) and (d)(2) Fees and comments

   **In class:** Matt’s Case tape

5. **Tuesday, September 12**
   **Read:** Gillers - pp. 374-396

   **In class:** speaker - Judge John L. Kane, Ethics and Civility

6. **Thursday, September 14**
   **Read:** Gillers - pp. 396-400 and 315-35

   **In class:** speaker – Judge William Lucero, Ethical Advocacy: The Prosecutor’s Perspective

7. **Tuesday, September 19**
   **Read:**
   - Gillers - pp. 185-90
   - MR - Rule 1.7 Conflict of Interest: Current Clients and comments; Rule 1.4 Communication and comments; Rule 1.6(a) Confidentiality of Informant and comments; Rule 1.8(f) Conflict of Interest: Current Clients: Specific Rules and comments; Rule 4.4 Respect for Rights of Third Persons and comments with emphasis on Comment [1]

   **In class:** Matt’s Case tape continued

8. **Thursday, September 21**
   **Read:**
   - C.R.S. 18-8-610
   - Tampering with physical evidence handout
   - ABA Formal Opinion 93-376 (available on Westlaw)
   - MR - Rule 3.4(a)-(d) Fairness to Opposing Party and Counsel and comments; Rule 8.4(c) and (d) Misconduct and comments with emphasis on Comment [5]

   **In class:** Morgantown tape

9. **Tuesday, September 26**
   **Read:**
   MR - Rule 3.1 Meritorious Claims and Contentions and comments; Rule 3.4(a), (c) and (d) Fairness to Opposing Party and Counsel and comments;
Rule 5.1 Law Firms and Associations and comments; Rule 5.2 Responsibilities of a Subordinate Lawyer and comments; Rule 1.6 Confidentiality of Information and comments; Rule 3.3 Candor Toward the Tribunal and comments; Rule 1.16 Declining or Terminating Representation and comments; Rule 4.2 Communication with Person Represented by Counsel and comments; Rule 4.3 Dealing with Unrepresented Person and comments

In class: Morgantown tape continued

10. Thursday, September 28
Read:
- Gillers - pp. 249-52
- MR - Rule 1.7(a)(2) and (b)(2) Conflict of Interest: Current Clients and comments; Rule 1.5(b) Fees and comments; Rule 1.4(b) Communication and comments; Rule 1.8(f) Conflict of Interest: Current Clients: Specific Rules and comments

In class: Seaside tape

11. Tuesday, October 3
Read:
MR - Rule 1.4(b) Communication and comments; Rule 1.9(c) Duties to Former Clients and comments

In class: Seaside tape continued

12. Thursday, October 5
Read:
- Gillers - pp. 24-30
- MR - Rule 1.6 Confidentiality of Information and comments; Rule 1.2(d) Scope of Representation and Allocation of Authority Between Client and Lawyer and comments with emphasis on Comment [10], [11], [12], and [13]
- Colorado privilege statutory handout

13. Tuesday, October 10
Read: Gillers - pp. 45-79

First paper due: Answer “All’s Not Well” problem in Gillers, pp. 23-24. Paper is to be no more than 700 words, 12-point type, double spaced on one side only.

14. Thursday, October 12
Read: Gillers - re-read pp. 45-79
In class: speaker - Chip Mortimer, Assistant Regulatory Counsel, Nuts and Bolts of How to Practice Law

15. Tuesday, October 17
Second paper due: Answer “In a Box” problem in Gillers, p. 70. Paper is to be no more than 700 words, 12-point type, double spaced on one side only. IMPORTANT: To answer, you must read Rule 1.10(a) Imputation of Conflicts of Interest: General Rule.

16. Thursday, October 19
Read:
- Gillers - pp. 185-209
- MR - Rule 1.7 Conflict of Interest: Current Clients and comments; Rule 1.8 Conflict of Interest: Current Clients: Specific Rules and comments

In class:
- Discuss Karen Horowitz’s dilemma in Gillers, pp. 206-08.
- Answer question posed on p. 209 about J. Thomas Blair’s explanation and Roger Baldwin’s decision.

17. Tuesday, October 24
Third paper due: Answer “May the Lawyer Be Our Client?” problem in Gillers, pp. 190-91. Paper is to be no more than 700 words, 12-point type, double spaced on one side only.

In class: speaker - Justice Rebecca Love Kourlis, What Trial Judges Expect of Lawyers

18. Thursday, October 26
Read: Gillers - pp. 238-259

In class: speaker - Hal Haddon, Criminal Defense Lawyer’s Perspective of Ethics

19. Tuesday, October 31
Read: Gillers - re-read pp. 238-259

In class: Answer “May We Do Both Cases?” problem in Gillers, pp. 238-39.

20. Thursday, November 2
Fourth paper due: Answer “Will You Represent Us Both?” problem in Gillers, p. 238. Paper is to be no more than 700 words, 12-point type, double spaced on one side only.
21. Tuesday, November 7
   Read:
   • Gillers - pp. 275-292
   • MR - Rule 1.9 Duties to Former Clients and comments; Rule 1.10
     Imputation of Conflicts of Interest: General Rule and comments

   In class: Answer three problems from Gillers - “You Don’t Know Anything”
   p. 275; “Do I Still Owe the Record Store?” p. 281; and “Divorce and Default”
   pp. 281-82

22. Thursday, November 9
   Read:
   • Gillers - pp. 292-312
   • MR - Rule 1.9 Duties to Former Clients and comments; Rule 1.10
     Imputation of Conflicts of Interest: General Rule and comments; Rule
     1.11 Special Conflicts of Interest for Former and Current Government
     Officers and Employees and comments

23. Tuesday, November 14
   Fifth paper due: Answer “Can We Hire the Guy?” problem in Gillers, p. 292-93. Paper is to be no more than 700 words, 12-point type, double spaced on one side only.

   In class: speaker - John Gleason, Disciplinary Prosecutor, Explanation of Attorney Discipline

24. Thursday, November 16
   Read:
   MR - Rule 1.13 Organization as Client and comments; Rule 1.4(a) and (b)
   Communication and comments; Rule 4.3 Dealing with Unrepresented Person
   and comments

   In class: Upper Black Eddy tape

25. Tuesday, November 28
   Read:
   • MR - Rule 1.13 Organization as Client and comments; Rule 1.4(a) and (b)
     Communication and comments; Rule 4.3 Dealing with Unrepresented
     Person and comments; Rule 2.1 Advisor and comments with emphasis on
     Comment [5]; Rule 1.6 Confidentiality of Information and comments;
     Rule 1.16(b)(3) Declining or Terminating Representation and comments;
     Rule 8.4(c) Misconduct and comments; Rule 4.1 Truthfulness in
     Statements to Others and comments; Rule 1.2(d) Scope of Representation
     and Allocation of Authority Between Client and Lawyer and comments
   • ABA Formal Opinion 92-366 handout (available on Westlaw)
In class: Upper Black Eddy tape continued

26. Thursday, November 30
   Read:
   • Gillers - pp. 449-492
   • MR - Rule 1.13 Organization as Client and comments

27. Tuesday, December 5
   Sixth paper due: Answer “Contraindications” problem in Gillers, p. 449-450. Paper is to be no more than 700 words, 12-point type, double spaced on one side only.

28. Thursday, December 7
   LAST CLASS