

Syllabus  
Legal Ethics and Professionalism  
Bill Nagel  
Summer (June 4 -July 6) 2012

Class time: 1:30 - 3:10 p.m. Monday - Friday  
Room: 305  
Office hours: By appointment or after class  
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Text Book: Lisa G. Lerman and Philip G. Schrag, Ethical Problems in the Practice of Law, (3rd Ed., Aspen 2012)  
(referred to in this syllabus as "L&S")

Supplement: You will need regular access to the most recent American Bar Association's Model Rules of Professional Conduct, including the comments. These are available on line. I will be using Martyn, Fox, and Wendel, *The Law Governing Lawyers 2012-2013 Edition* (Aspen 2012) as a supplement because it has the 2009 ABA Model Rules and comments and the American Law Institute's Restatement (Third) of the Law Governing Lawyers as well as other useful materials. This supplement includes a CD containing most of its contents and the ethics provisions adopted by each state. You do not need to purchase this supplement if you prefer to work from online sources. You should also have ready access to the Colorado Rules of Professional Conduct, which were substantially revised, effective January 1, 2008. They are located in the Colorado Rules of Civil Procedure as the Appendix to Chapters 18 to 20 and are also available on line.

Additional materials will be assigned and will be available on TWEN or on reserve in the library. References in the assignment to a model rule or a restatement provision includes all comments that follow that rule or provision.

I include in the following assignments citations to provisions in the Restatement that correspond to the topics addressed in the Model Rules we will be discussing. You do not need to read these restatement provisions for class except to the extent they are addressed in L&S. These are included here for your convenience, should you want to examine the Restatement provisions further, now or in the future.

The following assignments correspond roughly but not exactly to the classes. Several assignments will take more than one class to cover.

1. Introduction, history of lawyer regulation, and various regulators; admission to practice

L&S: 1-20 (skim); 23-25; 25-45 (skim); 45-71;  
Read Colorado Attorney Oath of Admission, found at <http://www.cobar.org/index.cfm/ID/1653/CETH/Colorado-Attorney-Oath-of-Admission/>;  
Watch 13 minute segment of 60 Minutes from March 9, 2008, about Alton Logan, called "26-Year Secret Kept Innocent Man in Prison" at [http://www.cbsnews.com/2100-18560\\_162-3914719.html](http://www.cbsnews.com/2100-18560_162-3914719.html);  
Read from Reserve in Library: Fox, Lawrence J., Martyn, Susan R., Pollis, Andrew S. Editors, A Century of Legal Ethics, (ABA 2009), Chapter 8 (4 pages), "Earning the Public's Respect, One Client at a Time" by Barry S. Alberts.

Model Rules - Preamble and Scope; Model Rule 8.1  
(Restatement §§ 1 & 2)

2. Misconduct during law school; Lawyer liability; reporting misconduct of other lawyers

L&S: 71-78; 79-111;  
Model Rule 8.3  
(Restatement 5, 11, 12)

3. Supervisory Responsibility; Responsibility of Subordinate Lawyer for Colleagues and Superiors; Protection (or lack of protection) for whistleblowers; Civil liability; Criminal liability; Client protection funds

L&S: 110-155  
Read Brief of Legal Ethics Professors and Practitioners and the Ethics Bureau at Yale as Amicus Curiae in *Maples v. Thomas*, at 2011 WL 2132708  
Model Rule Rules 5.1, 5.2, 5.3  
(Restatement 48-57)

4. Duty of Confidentiality; Past criminal conduct

L&S: 159-185

Reconsider (from assignment the 60-Minutes Segment on Alton Logan and chapter 8 "Earning the Public's Respect, One Client at a Time" by Barry S. Alberts, from Fox, Lawrence J., Martyn, Susan R., Pollis, Andrew S. Editors, A Century of Legal Ethics, (ABA 2009), on reserve.

Model Rule 1.6

(Restatement 59, 60, 63, 64, 66)

5. Confidentiality (cont'd): Risk of future injury or death; client frauds; preventing financial harm to others; Post-Enron changes; obtaining advice about ethics; protecting lawyer's interests; complying with law or orders; personal gain; advising client about exceptions to confidentiality

L&S 185-228

Model Rules 1.0(f), 1.2(d), 1.6(b), 1.16(a), 1.16(b), 3.3, 4.1, 8.4(c)

(Restatement §§ 62, 65, 67)