Professor John F. Erbes  
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Required Books:

Textbook:  

Companion Material:  

Course Description:  
An examination of issues related to the ethical responsibility of lawyers. Topics include attorney confidentiality, communication between attorney and client, conflicts of interest, attorney fees, ethics in advocacy and attorney discipline. The course also covers attorney-client privilege, malpractice, attorney liability to third parties and judicial ethics. The student will gain an understanding of the rules related to the practice of law and the judiciary, how they are interpreted and how they are enforced.

Testing and Grading:  
There will be a final exam and a mid-term exam similar to the MPRE. There will also be a graded written exercise in the semester.

Attendance & Class Participation:  
I will take attendance in class and follow the School of Law’s attendance policy. Since this class meets for two 75 minute class sessions per week, the attendance policy will allow 6 absences. Preparation for class is crucial and means reading the assigned pages in the casebook and thinking about the cases and problems contained in the reading assignment. A portion of your final grade will be based upon class participation. Please let me know if you run into an unexpected problem with attendance.

Law Firms  
Students will be required to organize into law firms of three or four members only. You will name your firm and submit a written list to me no later than class time on Monday, January 25th, with the firm name and the names of the individual firm members. The law firms will be
called upon to present on the selected cases and problems in the textbook. Everyone in the firm must be prepared to discuss and answer questions about the selected cases and problems and accompanying material in the textbook. One or sometimes two firms will be responsible for the discussion of cases and problems for a particular class. Don't miss class on the day your firm is "up" unless you are too ill to attend. If you know you are going to miss class on a day you are assigned to be "up" because of illness, please email me and let me know. Even when your firm is not "up" for the day you are expected to be prepared for class and will be asked to contribute to the class discussions. Participation points will be based upon your contributions to the firm's discussions and can also be earned for class participation outside of your firm’s discussions.

TWEN:

There is a TWEN page for the course. You must sign on to the TWEN page immediately so that students can be contacted as needed. Consult the TWEN page regularly. Changes in class meetings, assignments, and other important material will be presented on the TWEN page. It is your responsibility to check the TWEN page regularly.

Office Hours:

I am generally available to students, but since I am also the Director of Clinical Programs and supervise students in the clinic, it is best to set up office appointments with me via email so that I can consult my calendar when setting up the appointment. You may e-mail me at erbes@siu.edu. For short meetings, feel free to stop by my office. If I am not busy, I will be glad to talk with you. My office is in the Legal Clinic, which is now in the back part of the law library.

Emergency Procedures:

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Disability Accommodation:

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School
of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations

**Saluki Cares:**

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

**Course Schedule & Assignments:**

**Week of January 18**

20   Where do “Ethics” Rules Come From?
**Assignment:** Read Chapter 1, pages 1-18, ABA Model Rules Preamble

**Week of January 25**

25   Defining the Attorney-Client Relationship
**Assignment:** Read Chapter 2, pages 21-49, ABA Model Rules Article I - Rule 1 and Rules 1.1, 1.6, 1.8, 1.9, 1.13 & 1.18

27   Defining the Attorney-Client Relationship
**Assignment:** Read Chapter 2, pages 49-95, ABA Model Rules 1.1-1.4 & 1.6

**Week of February 1**

1    Protecting the Attorney-Client Relationship
**Assignment:** Read Chapter 3, pages 97-122, ABA Model Rules 1.7, 1.8, 1.16, 4.2, 4.2, 5.4 & 8.4

3    Legal Fees
**Assignment:** Read Chapter 4, pages 123-153, ABA Model Rule 1.5 & 6.1

**Week of February 8**

8    Control of Quality: Reducing the Likelihood of Professional Failure
**Assignment:** Read Chapter 12, pages 619-653, ABA Model Rule 5.5

10   Control of Quality: Remedies for Professional Failure
**Assignment:** Read Chapter 13, pages 653-700, ABA Model Rule 5.1
Week of February 15th

15 Control of Quality: Remedies for Professional Failure
Assignment: Read Chapter 13, pages 700-734

17 Control of Quality: Remedies for Professional Failure
Assignment: Read Chapter 13, pages 735-745, and In re Himmel

Week of February 22nd

22 Lawyers for Companies and Other Organizations
Assignment: Read Chapter 10, pages 485-517, ABA Model Rule 1.13

24 Judges
Assignment: Read Chapter 11, pages 523-560, ABA Model Code of Judicial Conduct
Canons 1 & 2

Week of February 29th

29 Judges
Assignment: Read Chapter 11, pages 560-582, ABA Model Code of Judicial Conduct
Canon 3

March 2 Left open for adjustment in schedule if necessary