Legal Profession
Law 580, Section 2
Spring 2014

Professor John F. Erbes
Director of Clinical & Experiential Education and Assistant Professor

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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, 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 at some point 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. I will solicit volunteers to present many of the cases and problems in the textbook. 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.

Recording of Class Sessions:
I will have my class sessions recorded. Students who wish to make up a class may view the recording through the library computer lab and turn in a written summary of the class (or their written notes from the class) to be given credit for a missed class.

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 Kaplan Hall, across from the front door of the law school.

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.

Course Schedule & Assignments:

Week of January 13th

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

16  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

Week of January 20th

21  Defining the Attorney-Client Relationship
Assignment: Read Chapter 2, pages 49-95, ABA Model Rules 1.1-1.4 & 1.6
23 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

Week of January 27th

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

30 Control of Quality: Reducing the Likelihood of Professional Failure
Assignment: Read Chapter 12, pages 585-619

Week of February 3rd

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

6 Control of Quality: Remedies for Professional Failure
Assignment: Read Chapter 13, pages 653-700, ABA Model Rule 5.1

Week of February 10th

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

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

Week of February 17th

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

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

Week of February 24th

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

27 Left open for adjustment in schedule if necessary