

**SYLLABUS FOR PROFESSOR GARTNER'S COURSE
IN PROFESSIONAL RESPONSIBILITY**

HOFSTRA LAW SCHOOL

Section: **Summer 2014**

Room: **TBD**

Professor: **Kenneth L. Gartner**

Telephone No.: **(516) 742-6200**

Email address: klgartner@lqdccllp.com

Course Materials

1. Lisa G. Lerman and Philip G. Schrag, *Ethical Problems in the Practice of Law* (3rd ed., Wolters Kluwer 2012) [referred to as "Text"].
2. Steven Gillers, Roy D. Simon and Andrew M. Perlman
Regulation of Lawyers: Statutes & Standards
(Wolters Kluwer) (2014 ed.)

Purpose of the Course: The rules of law governing lawyers' professional conduct are studied through the ethics rules, lectures, text, cases, problems and class discussion. Principal attention is given to the lawyer's role in an adversary system, lawyer-client confidentiality, and conflicts of interest.

Communications: The best way to communicate with me is by email. I will try to get back to you within 24 hours. While I do not maintain regular office hours, if you need to speak with me in person, we can set up an appointment either before or after class, or at my office in Mineola.

Classes: 6 p.m. – 8:30 p.m. on: May 29, June 10, June 12, June 17, June 19, June 24, June 26, July 1, July 3, and July 8.

Attendance and Preparation: Participation in class will be considered, and attendance will be taken. Participation may raise your grade by one half a grade. More than two unexplained absences may result in the lowering of your grade.

Discussions in class will primarily center on ***analysis of the problems*** set forth in the Lerman & Schrag text and the listed supplementary readings. Your preparation for the final examination will to a great extent consist of your engagement and participation in these discussions. ***When you come to class, you should have read each problem in the assigned chapter(s), and be prepared when called upon to give your***

analysis of the problem, and your response to the questions about the problem set forth in the text.

Sometimes you can't avoid missing a class. If you know in advance that you will be missing a class for a compelling reason, or if you have missed a class due to illness or emergency, please send me an e-mail, briefly explaining the situation.

It is better to come to class late, or leave early, than not come at all. If circumstances require you may feel free to walk in late, or leave early, as long as you do not abuse this privilege.

Examination and Grades: The course will be graded on the regular A-B-C grading scale. Unless the enrollment for this class is 25 or less, the Mandatory Curve Grade Table and the Target Grade Table, set forth at pp. 19-20 of the 2013-2014 Hofstra Law School Student Handbook, will govern the distribution of grades in this class. Even if the enrollment is of 25 or fewer students, the Target Grade Table will be utilized as a rough guide to the distribution of grades.

The grade will be based mainly on a multiple-choice final exam.

Schedule:

Week 1 (5/29): Introduction and Chapters 1 and 2

Supplementary readings:

In Re Stephen Randall Glass, 316 P.3d 1199 (2014)

Kenneth L. Gartner, *Admission by Motion Rule Distorted by ABA's Interest in Monopoly*, NYLJ, September 16, 2011

Week 2 (6/10): Chapters 3 and 4

Supplementary readings:

NY CPLR §§ 4501-4505, 4508, 4510

Adam Liptak, *When the Law Prevents Righting a Wrong*, NY Times, May 4, 2008

Kenneth L. Gartner, *Electronic Communications and the Ethical Duty to Preserve Confidentiality*, Nassau Lawyer (December 2011)

Week 3 (6/12): Chapter 5

Week 4 (6/17): Chapters 6

Week 5 (6/19): Chapter 7

Week 6 (6/24): Chapter 8

Week 7 (6/26): Chapter 9

Supplementary reading:

Sage Realty Corp. v. Proskauer Rose, LLP, 91 NY2d 30 (1997)

Week 8 (7/1): Chapter 10(B)

Supplementary reading:

Cheney v. United States District Court, 541 U.S. 913 (2004)

Week 9 (7/3): Chapters 11 and 12

Week 10 (7/8): Catch-up and pre-examination review

Final Examination: 7/14