SYLLABUS FOR PROFESSOR GARTNER’S COURSE IN PROFESSIONAL RESPONSIBILITY

HOFTSRA LAW SCHOOL

Section: Spring 2011
Room: 238
Professor: Kenneth L. Gartner
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Course Materials

1. Lisa G. Lerman and Philip G. Schrag, Ethical Problems in the Practice of Law (2d Ed., Aspen 2008) [referred to as “Text”].

2. Steven Gillers and Roy D. Simon
   Regulation of Lawyers: Statutes & Standards
   (ASPEN Publishers) (2010 or 2011 editions required)

3. Monroe H. Freedman and Abbe Smith
   Understanding Lawyers’ Ethics (3rd ed.)
   (Lexis/Nexis)

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, conflicts of interest, and solicitation of clients. This is a required course that must be taken in either the second or third year for full-time students, or second, third or fourth year for part-time students.

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.

Classes: This is a two-credit class, scheduled, with one exception, to meet every Thursday, in Room 238, from 6:10 p.m. until 8:00 p.m., commencing Thursday, January 13, 2011, and continuing through Thursday, April 14, 2011.

Attendance and Preparation: Participation in class will be considered, and attendance will be taken. Participation may raise your 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. Your preparation for the final examination will to a great extent consist of your engagement and participation in these discussions.

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.

Hofstra’s mandatory curve, as set forth in the Student Handbook, and to which this course is subject, requires that no more than 10% of the grades may be “A”; no more than 25% of the grades may be “A-” or higher; at least 15% of the grades must be “C+” or lower; and at least 6% of the grades must be “C-” or lower.

The grade will be based mainly on the final exam, which has typically consisted of three essays. I will also consider your attendance record and your contributions to class discussion.

The examination will be open book. Exams from prior semesters, together with sample answers, are available in Hofstra’s on-line Exam Archive. *Note: There is a possibility that we will shift to an entirely multiple-choice exam format. We will discuss this in class as the semester progresses.*

**Schedule:**

**WEEK 1: THURSDAY, JANUARY 13, 2011**

a. Introduction to the course.

b. Institutions that regulate lawyers

c. The new New York Rules of Professional Conduct

d. Admission to practice

**Pages* Assigned for Week 1:** 1-12, 20-31, 38-41, 45-57

* All “Pages” references are to the Lerman & Schrag text.
Problems Assigned for Week 1: 1-1 and 1-2

WEEK 2: THURSDAY, JANUARY 20, 2011

a. Professional discipline
b. The basic principle of confidentially

Pages Assigned for Week 2: 73-149, 151-175

Problem Assigned for Week 2: 2-1, 3-1, 3-2, 3-3, 3-4 and 3-5

WEEK 3: THURSDAY, JANUARY 27, 2011

a. Risk of future injury or death
b. Other exceptions to the duty to protect confidences

Pages Assigned for Week 3: 175 - 237

Problems Assigned for Week 3: 3-6, 3-7

WEEK 4: THURSDAY, FEBRUARY 3, 2011

a. The privilege for corporations
b. Lawyers’ duties of competence, honesty, Communication and diligence

Pages Assigned for Week 4: 244-259, 265-291

Problems Assigned for Week 4: 4-4, 5-1, 5-2

WEEK 5: THURSDAY, FEBRUARY 10, 2011

a. Lawyers’ duties of competence, honesty, communication, and diligence, continued
b. Candor and communication

c. Candor in counseling

**Pages Assigned for Week 5:** 291-333, 344-350

**Problems Assigned for Week 5:** 5-4, 5-7, 5-8

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**WEEK 6: THURSDAY, FEBRUARY 17, 2011**

a. Judges and Judicial Ethics

**Pages Assigned for Week 6:** 576 – 591

**Problems Assigned for Week 6:** 10-2, 10-3


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**WEEK 7: THURSDAY, FEBRUARY 24, 2010**

a. An introduction to conflicts of interest

**Pages Assigned for Week 7:** 351-389

**Problems Assigned for Week 7:** 6-1, 6-2, 6-3, 6-5

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**WEEK 8: THURSDAY, MARCH 3, 2011**

a. Representing both parties to a transaction

**Pages Assigned for Week 8:** 391-433

**Problems Assigned for Week 8:** 7-1, 7-2, 7-3, 7-4, 7-5

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**WEEK 9: THURSDAY, MARCH 10, 2011**

a. The nature of conflicts between present and former clients

**Pages Assigned for Week 9** 435-481
Problems Assigned for Week 9  8-1, 8-2, 8-3

WEEK 10:  THURSDAY, MARCH 17, 2011

a. Conflicts between lawyers and clients

Pages Assigned for Week 10  483-563
Problems Assigned for Week 10  9-1, 9-2, 9-3, 9-4

WEEK 11:  THURSDAY, MARCH 24, 2011

a. Lawyers’ duties to the courts

Pages Assigned for Week 11:  593-643
Problems Assigned for Week 11:  11-1, 11-2, 11-3, 11-4, 11-5, 11-6

WEEK 12:  THURSDAY, MARCH 31, 2011

a. Concealment of documents and evidence in civil cases

Pages Assigned for Week 12:  643-656, 679-725
Problems Assigned for Week 12:  11-8, 12-4

WEEK 13:  THURSDAY, APRIL 7, 2011

a. Advertising

b. The unmet need for legal services

Pages Assigned for Week 13:  791-833, 847-870

WEEK 14:  THURSDAY, APRIL 14, 2011

a. Pre-examination review