

MASSACHUSETTS SCHOOL OF LAW at ANDOVER
LEGAL ETHICS
Syllabus Spring 2025
Professor Paula Colby-Clements

Instructor: Professor Paula Colby-Clements

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Class Time: Tuesday and Thursday

9:30 AM to 10:50AM

or 7:30 PM to 8:50 PM

Materials: **Annotated Model Rules of Professional Conduct 10th Edition** by Ellen J. Bennett and Helen W. Gunnarsson. Published by the ABA.

PracticePerfect (Aspen Publishing)

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You will also need to access The Canons of Judicial Conduct online:http://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html

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MASSACHUSETTS RULES OF PROFESSIONAL CONDUCT

Available online at www.mass.gov/obcbbo/rpcnet.htm

RECOMMENDED: A Comprehensive Outline for MPRE Review.
(No Charge) We will discuss this on the first day of class.

ALL STUDENTS TAKING LEGAL ETHICS SHOULD BE REGISTERED FOR THE MARCH MPRE. To register go to the National Conference of Bar Examiners website: [Bar Exams | MPRE UBE MBE MEE MPT NextGen | NCBE \(ncbex.org\)](http://www.ncbex.org)

Course Grading:

Class Participation	5%
Quizzes	5%
Mid Term Exam	10%
Final Exam	80%

Week of January 20th

MPRE Key Words and Phrases (Sheet on TWEN course site)

MPRE Subject Matter Outline Review (Sheet on TWEN course site)

Read: Preamble and Scope pages 1 -14.

Terminology pages 15-18.

Review the following rules and annotations:

- 1.17 Sale of a Law Practice
- 5.1 Responsibility of Partners, Managers, & Supervisory Lawyers
- 5.2 Responsibility of a Subordinate Lawyer
- 5.3 Responsibility Regarding Non-Lawyer Assistance
- 5.4 Professional Independence
- 5.5 Unauthorized Practice of Law
- 5.6 Restrictions on the right to practice
- 5.7 Responsibilities on Law Related Practices
- 8.1 Bar Admission and Disciplinary Matters

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- 8.2 Judicial and Legal Officials
- 8.3 Duty to report misconduct
- 8.4 General Misconduct
- 8.5 Disciplinary Authority
- 6.1 Voluntary Pro Bono Publico Service
- 6.2 Accepting Appointments
- 6.3 Membership in Legal Services Organization
- 6.4 Law Reform Activities Affecting Client Interests
- 6.5 Nonprofit and Court-Annexed Limited Legal Svs. Programs

PRACTICE PERFECT VIDEOS and Quizzes

Rules: 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 8.3

Week of January 27th

Review the following rules and annotations:

- Rule 1.5 Fees
- Rule 1.15 Safe-Keeping Property
- Rule 1.16 Declining or Terminating Representation
- Rule 1.18 Duties to Prospective Clients
- Rule 7.1 Communication Regarding a Lawyer's Services
- Rule 7.2 Advertising
- Rule 7.3 Solicitation
- Rule 7.4 Communication of Fields and Practice & Specialization
- Rule 7.5 Firm Names and Letterhead
- Rule 7.6 Political Contributions and Judicial Appointments

PRACTICE PERFECT VIDEOS and Quizzes

Rules: 1.5 (2 videos), 1.15, 1.16, 7.1, 7.2, 7.3

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Week of February 3rd

Review the following rules and annotations:

- 1.1 Competence
- 1.2 Scope of Representation and Allocation of Authority
- 1.3 Diligence
- 1.4 Communication
- 2.1 Lawyer as Advisor
- 2.3 Evaluation for Use by Third Persons
- 2.4 Lawyer Serving as a Third Party Neutral
- 1.6 Confidentiality of Information
- Attorney-Client Privilege
- Work-Product Doctrine
- Malpractice Liability

PRACTICE PERFECT VIDEOS and Quizzes

Rules: 1.1, 1.2, 1.3, 1.6 & Attorney-Client Privilege, Work Product Doctrine, Malpractice and Other liability.

Week of February 10th

Review the following rules and annotations:

- 1.7 Conflicts of Interest: Current Clients
- 1.8 Conflicts of Interest: Current Clients: Specific Rules
- 1.9 Duties to Former Clients
- 1.10 Imputation of Conflicts of Interest
- 1.11 Special Conflicts of Interest
- 1.12 Conflicts and Former Judicial Officers
- 1.13 Organization as a Client
- 1.14 Clients with Diminished Capacity
- 1.18 Prospective Client Conflicts

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PRACTICE PERFECT VIDEOS and Quizzes

Rules: 1.7, 1.8, 1.9, 1.10, 1.13, 1.18

Week of February 17th

Conflicts of Interest Continued: continue to review all conflict rules and annotations.

Week of February 24th

Review the following rules and annotations:

- 3.1 Meritorious Claims and Contentions
- 3.2 Expediting Litigation
- 3.3 Candor Toward the Tribunal
- 3.4 Fairness to Opposing Counsel
- 3.5 Impartiality Towards the Tribunal
- 3.6 Trial Publicity
- 3.7 Lawyer as a Witness
- 3.8 Special Responsibilities of a Prosecutor
- 3.9 Advocate in Non-Adjudicative Proceeding
- 4.1 Truthfulness in Statements to Others
- 4.2 Communication with Persons Represented by Counsel
- 4.3 Dealing with Unrepresented Persons
- 4.4 Respect for Rights of Third Persons

PRACTICE PERFECT VIDEOS and Quizzes

Rules: 3.1, 3.2, 3.3, 3.4, 3.8, 3.9, 4.1, 4.2, 4.3

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Week of March 3rd

Review the following rules and annotations:

- 8.1 Bar Admission and Disciplinary Matters
- 8.2 Judicial and Legal Officials

Week of March 10th

Tuesday, March 11th

MODEL CODE OF JUDICIAL CONDUCT

REVIEW ALL CANNONS AND RULES

PRACTICE PERFECT VIDEOS and Quizzes

Rules: Cannons 1 & 2, Cannons 3 & 4

Thursday, March 13th

MID-TERM EXAM

NOTE: THE PLAN IS FOR THE MID-TERM TO BE A FULL 2 HOUR SIMULATED MPRE EXAM. WE WILL DISCUSS HOW TO CARVE OUT THE TIME PRIOR TO THIS WEEK.

Week of March 17th

SPRING BREAK

Week of March 24th

Tuesday March 25th Review Mid-Term Last minute TEST Strategies

MPRE TEST DATES: March 26th/27th.

Thursday, March 27th: No CLASS MPRE TEST DATE

Week of March 31st

MPRE Debrief/Introduction to Mass Rules of Professional Conduct

MPT OVERVIEW/Assignment of groups and hypotheticals

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Week of April 7th

CONFLICTS

Karen Horowitz's Dilemma
Murder One Murder Two
Murder at the Ballgame
Will You Represent Us Both/They're All on The Same Page
Ed's Daughter Was Driving

Week of April 14TH

SUCCESSIVE CONFLICTS

Divorce and Default
Do I Still Owe the Record Store?
Stop the High Rise
You Don't Know Anything
Can We Hire Taylor Monk

Week of April 21ST

Tuesday, April 22nd: Guest Visitor Joseph Makalusky Office of Bar Counsel

Ethics in Advocacy, Candor Toward the Tribunal & Special Issues in Criminal Prosecution

Out Carousing with Mikey
Did you Communicate with Cassie?
Maxwell's Sliver Handle .38
The White Women on the Walls Have to Go
We Can Make No Promises

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Week of April 28TH

Confidentiality and Privilege

My Client is HIV Positive

Dig They Must

I'd Rather Die

Accept the Offer

Something you Should Know