

The Client Relationship: Spring 2024
Law 6022 3 credit hours
Syllabus
(Updated as of 4/8/24)

This course satisfies the Professional Responsibility requirement and thus can be taken instead of Law 6020.

This course is a blend of in-person and online teaching.

Anonymous suggestion or complaints are welcome: [Anonymous Suggestion Box](#) (operated by Survey Monkey – IP addresses are not recorded)

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No textbook to purchase at bookstore
The course is administered through a Westlaw TWEN website.

All required readings are either handed out in class and/or linked to the on-line syllabus which is updated and posted on TWEN.

Materials on Georgia Legal Ethics ("GLE") (which include the Georgia Rules of Professional Conduct) handed out (no charge) at the first class:

An on-line guide to Legal Ethics in Georgia is available at www.clarkcunningham.org/GeorgiaLegalEthics.htm

COURSE INFORMATION

COURSE GRADE:

The course grade will be calculated as follows:

40%: Paper: 6-8 double-spaced pages, due Monday, March 25 (See Learning Objectives, below)

30%: Composite score based on in-class quizzes, assignments, bonus points and class participation (See Firms and Quizzes, below)

15%- Long Quiz 1 (closed book)

15% - Long Quiz 2 (closed book)

The College of Law mandatory mean for required courses applies to this course.

Therefore, the class mean (i.e. the average grade) must fall between 2.9 and 3.1.

LEARNING OBJECTIVES:

In this course students will learn how to develop effective and ethical relationships with clients, become competent in recognizing moral dilemmas in the real-life situations encountered by lawyers, and begin to acquire the professional judgment necessary to resolve the kinds of complex problems that arise in legal practice.

Students will become skilled in interpreting and applying the Georgia Rules of Professional Conduct and will understand the attorney discipline system in Georgia as well as basic common law principles arising from malpractice and attorney disqualification decisions. In order to put student learning in the context of real-life law practice, the course is taught primarily from the standpoint of the Georgia rules and Georgia law. However, students will still be well-prepared to take the [Multistate Professional Responsibility Examination](#) (MPRE) which tests the American Bar Association Model Rules of Professional Conduct because significant differences between the Georgia and ABA Model Rules will be covered. Students will regularly perform lawyering exercises that develop client relationship skills and ethical decision making. They will write one paper that applies what they have learned to analyze videotaped lawyer-client meetings and propose what they would have done in the situation. There will also be short in-class quizzes and two in-class one-hour, closed-book multiple-choice quizzes. There is no final examination.

ATTENDANCE:

Students are expected to attend every class absent good cause for absence. A student may be required to withdraw from the course without credit based upon repeated absence and/or a pattern of being tardy or leaving early without good cause. If a student is absent or late when a quiz is given, it is the student's responsibility to notify the instructor promptly (and preferably before class) if the student wishes to take the quiz as a make-up; such a student must provide in writing an explanation of the good cause (or utilize the GSU Notification process described below) and make arrangements with the instructor to take the quiz, which must normally be completed before the next class. Students will be evaluated on their preparation and contribution to firm work and that evaluation can be factored into the composite quiz score for the semester.

The following information appears on the GSU central administration website, <https://deanofstudents.gsu.edu/student-assistance/#professor> (Office of the Dean of Students refers to the central administration, not College of Law Associate Dean Tameka Lester):

“The Office of the Dean of Students will provide courtesy verification for professors at the request of students when seeking excused absences for documented medical/health related and other emergency circumstances that result in an extended period of absence (a week or more). Absence policies and all decisions regarding excused absences and coursework related matters are made by the individual professors. The role of the Office of the Dean of Students is to review the submissions and notify professors that we have verified that documentation was submitted and assist with student support related to non-academic impacts of extended absences in which a student is directly impacted. Requests for notification should be submitted as soon as possible, ideally within 24 hours of when a student is first impacted, but must be submitted within one week after a student returns from absence. If a student is aware in advance of a need for absence (for example, when a student must have surgery) it is best to notify the Office of the Dean of Students as far in advance as possible. Retroactive notifications for past absences will not be accepted. Please Note: Your submission does not guarantee that you will receive an excused absence. It is always

wise to also notify your professors when submitting a form so they can assist you immediately in keeping up with your classwork. All documentation is subject to verification by the Office of the Dean of Students. Students who submit falsified documentation or misrepresented information will be referred for a violation of the Student Code of Conduct.” [Link to begin notification process](#)

CASE STUDIES:

The case studies are based on actual cases. Students must be prepared to engage in rigorous class discussion about the details of the cases and to analyze the decisions and actions of the lawyers.

LONG QUIZZES

General information

There will be two one-hour closed book multiple-choice quizzes scheduled during class hours, each of which will count for 15% of the course grade administered on TWEN (for a total of 30%). While taking the quizzes, students may not refer to any written course materials, including the Georgia Rules of Professional Conduct, or online course materials, or any other written or internet-based course materials.

There will be no final exam.

Students will be expected to be familiar with all the assigned readings. Students must also be familiar with the fact patterns for the exercises. Except as specified for particular quizzes, below, students will need to know the content of all of the Georgia Rules of Professional Conduct assigned on the course syllabus including the accompanying comments. When an ABA Model Rule of Professional Conduct is assigned on the syllabus, students will NOT be tested on the accompanying comments unless the ABA comments are separately assigned in the syllabus. Students will not be tested on the “maximum penalty” specified for each Georgia rule.

Students will need to know the content of the American Bar Association (ABA) Model Rules and Georgia Rules of Professional Conduct assigned on the course syllabus (including the comments) but are not expected to identify them by rule number, except for Rule 1.6 and 3.3. With the exception of Rule 1.6 and 3.3, quiz questions that refer to a specific rule will provide a description of the topic of the rule rather than the rule number (e.g. "the Georgia rule of professional conduct for lawyers regarding fees rather than "GRPC 1.5").

Some of the questions will be questions of the type found on the Multistate Professional Responsibility Examination that ask the student to apply the rules of professional conduct to a hypothetical fact pattern. Some questions will test knowledge and comprehension of court decisions and other materials assigned for reading. Some of the questions will be based on fact patterns from the Exercises and will focus on issues of ethical decision making and professional judgment of the type explored in quizzes, discussion problems, and other assignments during the semester.

Specific information regarding Long Quiz 1 scheduled for March 6.

Only the following rules will be tested on Long Quiz 1

Georgia Rules of Professional Conduct:

1.2

1.4
 1.5
 1.18
 3.2
 3.3
 3.4
 3.8
 4.1
 5.1
 5.2
 8.5

American Bar Association Model Rules:

1.6
 3.3

Specific information regarding Long Quiz 2 scheduled for April 10 .

Follow the Georgia Rules of Professional Conduct in answering questions on Long Quiz 2; however, rule specific-questions will be designed so that the correct answer is the same under either the Georgia rule or the corresponding ABA Model Rule. Any Georgia rule (including comments) assigned on the syllabus for Week 10 or after (i.e. classes after spring) can be tested, in addition to the rules listed above for Long Quiz 1. Any other assigned reading from Week 10 forward can also be tested.

EXERCISES:

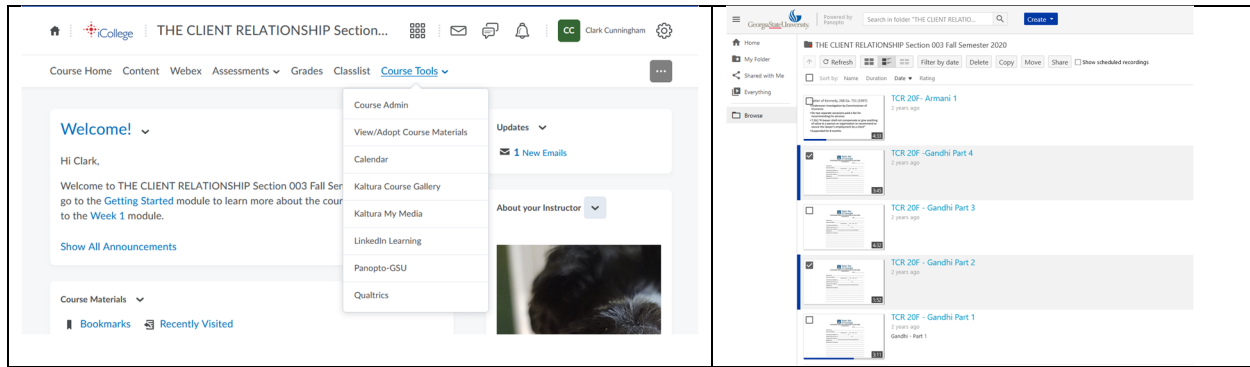
There will be a number of in-class role playing exercises. Students must prepare to play an assigned role (lawyer or sometimes a client) for each role play unless they request an alternate assignment on the Student Questionnaire completed for Class One. (An individual student's performance in a role play is not graded.) The paper based on one of these exercises will count as 40% of the final course grade.

COURSE VIDEOS

Students may sometimes view videos online in connection with readings and assignments. Some videos are linked directly to the online syllabus and can be viewed using the VLC Media Player, a free and open source cross-platform player and framework that plays most multimedia files. Download the VLC Media Player at: <https://www.videolan.org/vlc/index.html>

Other videos can only be viewed through the course iCollege website, for example:

From the course iCollege home page select "Panopto-GSU" from the Course Tools drop down menu	This new window should appear. For example, to view "Gandhi Part 1" Select: "TCR 22S – Gandhi Part 1"
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FIRMS:

In the second week of the semester students will be assigned to a team or "firm" of 4-5 students, through a transparent selection process designed to produce diverse groups of teams. These teams will sit together for all classes. On quiz days, after individual responses are tallied online (see Quizzes, below), for some questions the instructor may set aside time for discussion in the firm after which individual students will be able to respond again, and the second answer will be counted along with the first. Studies of team-based-learning indicate that effectively functioning teams will usually outperform individual student scores. Other tasks will regularly be assigned for teamwork during class time. The student's quiz score total for the semester will include bonus points reflecting the quality of the firm's work on some of these tasks and may include a component based on the quality of one or more peer assessment exercise for the firm.

QUIZZES:

An important method for learning course content is the system of in-class quizzes, which are usually open-book. Quiz questions are displayed one-at-a-time and students provide a graded answer on their smart phones using the Slido software. Cumulative results for the entire class can thus be immediately displayed after each question. At the instructor's option, students will be given an opportunity to discuss the question in their firms and then take the question again using Slido. If this option is taken, both the first and second responses count toward the cumulative semester quiz score. The correct answer, often developed through class discussion, is revealed for each question.

Possible quiz questions are posted in advance of class and linked to the syllabus, although usually there are additional questions in class not posted in advance. Students are permitted to discuss the posted questions before class with other firm members (and other students who have not previously taken this course). However, it is an honor code violation to share answers with other firm members or any other student on the first round of a quiz question from the time the quiz question is displayed in the classroom until the answer period has closed.

If a student is absent or late when a quiz is given, it is the student's responsibility to notify the instructor promptly (and preferably before class) if the student wishes to take the quiz as a make-up; such a student must provide in writing an explanation of the good cause and make arrangements with the instructor to take the quiz, which must

normally be completed before the next class.

Appealing Quiz Scores

Firms are provided an opportunity to appeal their scores, challenging the instructor's choice of the correct answer. Grounds for appeal are:

- 1) A good faith argument that a different answer than the one marked as correct should be counted as correct supported by citation to the assigned readings and other relevant authority that the firm may choose to provide
- 2) A good faith argument that the question was poorly worded, e.g. vague or ambiguous, such that one or more different answers than the one marked as correct should be counted as correct
- 3) A good faith argument that the assigned readings did not provide an adequate basis for choosing the correct answer so that one or more different answers than the one marked as correct should be counted as correct

Appeals must be submitted by email or email attachment, by 10am on the Monday following the class when the quiz was given unless a different date and time are specified on the syllabus.

If the instructor grants an appeal, all members of the appealing firm are given credit for that answer (if different than the indicated correct answer) for each time the student answered that question (e.g. for both an initial individual response and then a second response after firm meeting). Scores for students from non-appealing firms remain unchanged. Points are never subtracted as a result of appeals. Successful appeals are usually posted by the instructor on the course website without indicating the name of the firm or student.

An individual student may appeal but must include in the appeal an explanation for why the student has not acted through his or her firm in pursuing an appeal. Appeals filed by firms are more likely to be granted.

Example of quiz appeal:

On a quiz, B was indicated in class as the correct answer.

All members of Firm #1 chose B (initially and after firm meeting)

All members of Firms #2 & #3 chose answer A (initially and after firm meeting)

Firm #2 appealed the quiz question arguing that A should also be counted as a correct answer and was successful in the appeal. How will the quiz scores be adjusted?

The scores of members of Firms #1 and #3 will remain the same.

The score of members of Firm #2 will be increased by two points (A will be counted twice as the correct answer)

Because quiz questions are not always posted on the course website the week they were given, especially if there is a possibility that an absent student will request a make-up opportunity, students considering filing an appeal may ask the instructor to send the text of a quiz question by email after class.

Unauthorized Public Posting and Distribution of Instructor-Produced Course

Materials: The selling, sharing, publishing, presenting, or distributing of instructor-prepared course lecture notes, videos, audio recordings, or any other instructor-

produced materials from any course for any commercial purpose is strictly prohibited unless explicit written permission is granted in advance by the course instructor. This includes posting any materials on websites such as Chegg, Course Hero, OneClass, Stuvia, SuDocu and other similar sites. Unauthorized sale or commercial distribution of such material is a violation of the instructor's intellectual property and the privacy rights of students attending the class and is prohibited.

Accommodations: This course is intended for all academically-eligible Georgia State College of Law students. This includes those with mental, physical, or cognitive disabilities, chronic illness, injuries, impairments, or any other condition that tends to negatively affect one's equal access to education. Students with disabilities are protected by the Americans with Disabilities Act (ADA), a federal anti-discrimination statute. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. For more information about ADA policy, services, and procedures, students may visit <https://access.gsu.edu> or contact the liaison for AACE, Victor Robertson, by phone 770-274-5616 or by email vrobertson2@gsu.edu. If you have a documented disability and would like to request disability accommodations, please follow the instructions and procedures detailed on the GSU AACE website: <https://disability.gsu.edu/services/how-to-register/>. Once registered, accommodations will be implemented by the College of Law. If you have questions about accommodations and their implementation, please contact Cody Teague, Director of Student Life at the College of Law, at cody@gsu.edu.

Academic Misconduct: Please refer to the College of Law's Honor Code for a full discussion of what constitutes academic misconduct and the consequences for failure to comply. The Honor Code is available at <https://law.gsu.edu/student-experience/academics/#honor-code>

SYLLABUS

When a Georgia or ABA Model Rule of Professional Conduct is assigned, the accompanying comments are also assigned unless otherwise indicated.
GRPC = Georgia Rule of Professional Conduct. MR = ABA Model Rule of Professional Conduct. GLE = Materials on Georgia Legal Ethics
All writing and other projects assigned for a particular class are due at noon on the Monday preceding class unless otherwise indicated on the syllabus, to give the instructor sufficient time to review before Wednesday class.

To access most of the assigned readings, students will need to be logged into the course TWEN website.

Two short assignments to complete BEFORE Class One:

1. **Student Questionnaire and Learning Contract:** please complete by 10am on Tuesday, January 9 if possible. Complete the questionnaire [on-line](#). (Worth 3

- quiz points).
2. One page Ethical Dilemma ([web version](#)) (download [pdf](#)). Review before Class One and write down notes for yourself how you would complete chart at bottom of the page.

WEEK ONE (1/10/24)

3. [Diners' Club Rules](#) (optional – provides food prior to class for participants)
4. Institute for the Advancement of the American Legal System: [Foundations for Practice](#) (pdf - 5 pages)
5. [Louis Brandeis, The Opportunity in the Law](#) (1905) (excerpt)
6. [The Multistate Professional Responsibility Exam](#)
7. Clark D. Cunningham, **Learning Professional Responsibility: The Way Forward** ([web version](#)) ([download pdf](#)) Footnotes are NOT assigned.
8. [Modified Four Component Model](#) (2 ppt slides)

What are the Georgia Rules of Professional Conduct?

9. [Georgia State Bar Rule 4-102](#) (types and level of discipline)
10. GRPC: [Preamble](#)
11. GRPC: [Scope](#)

Regulation of Lawyer Advertising Through the Bar Disciplinary System

12. [Bates v. State Bar of Arizona](#), 433 U.S. 350 (1977) (established 1st Amendment right for attorneys to advertise) (1 page summary)
13. [GRPC 7.1: Communications Concerning a Lawyer's Services](#)
14. Read ABA MR [7.1](#) (including the [comment](#))
15. [GRPC: 7.2: Advertising](#)
16. Read ABA MR [7.2](#) (you are NOT required to read the comments)
17. [GRPC 7.4: Communication of Fields of Practice](#)
18. [GRPC 7.5: Firm Names and Letterheads](#)
19. [In the Matter of Anonymous](#), 775 N.E. 2d 1094 (Ind. 2002) (example of deceptive lawyer advertisement) (1 page)
20. [Four Sample Quiz Questions](#) (not for a grade)

WEEK TWO (1/17/24)

No live class. 2 webcast lectures to view and 5 multiple choice questions to answer BEFORE 6pm on Wednesday, January 24. See Instructions, item 36.

The “business” of law practice: Regulation of Solicitation

21. GRPC 7.3: [Direct Contact with Prospective Clients](#)
22. ABA [MR 7.3](#) (not including the comment)
23. [Falanga v State Bar of Georgia](#), 150 F.3rd 1333 (11th Cir. 1998)

Regulation of Fees and Trust Accounting

24. [GRPC 1.5 Fees](#)

25. [Formal Advisory Opinion 01-1](#): Is it ethically permissible to charge for a standard unit of time without regard to actual time expended?
26. [Suit Offers a Peek at the Practice of Inflating a Legal Bill](#)
27. [Formal Advisory Opinion 11-1](#): Flat fixed fee contract for legal services
28. [Alternative Fee Arrangements \(Kirkland & Ellis\)](#)
29. [The New Normal: Alternative Fee Arrangements](#)
30. [Formal Advisory Opinion 91-2](#): Advance Fee Payments
31. [In the Matter of Collins](#), 246 Ga. 325 (1980)
32. [AFLAC Inc. v Williams](#), 264 Ga 351 (1994)
33. [Formal Advisory Opinion 03-1](#): May an attorney charge a non-refundable special retainer?
34. [GRPC 1.15\(I\)](#) Safekeeping Property – General
35. [GRPC 1.15 \(II\)](#) Safekeeping Property - Trust Accounts and Interest on Lawyers' Trust Accounts (IOLTA)
36. [Instructions](#) for viewing two webcast lectures and completing graded quiz (to be completed on TWEN BEFORE 6pm on Wednesday, January 24 - skip Question 3 which omits the correct answer option by error).

WEEK THREE (asynchronous)

[Five multiple choice questions to answer on TWEN](#) BEFORE noon on Wednesday, January 31 based on readings assigned for Weeks Two and Three. These questions were previously posted as [Five possible quiz questions](#) for Class 3. You may discuss all five questions before noon on January 31 with anyone in this course (The Client Relationship) this semester, but NOT with anyone else.

Grounds for Discipline

37. [GRPC 8.4: Misconduct](#)
38. [American Bar Association - Standards for Imposing Lawyer Sanctions: Section 9.0 \(Aggravation and Mitigation\) \(3 pp\)](#)
39. [GRPC 5.1: Responsibilities of Supervisory Lawyers](#)
40. [GRPC 5.2: Responsibilities of Subordinate Lawyers](#)
41. [GRPC 5.3: Responsibilities for Nonlawyer Assistants](#)
42. [GRPC 8.1: Bar Admission and Disciplinary Matters](#)
43. [GRPC 8.3: Reporting Professional Misconduct](#)

How are the Rules interpreted?

44. [Rule 4-223. Advisory Opinions](#)
45. [Rule 4-401: Informal Advisory Opinions](#)
46. [Rule 4-403. Formal Advisory Opinions](#)

How are the Rules enforced?

47. [GRPC 1.0: Terminology](#) – review Confidential Proceedings, Conviction, Grievance, Notice of Discipline, Petition for Voluntary Surrender of License, Probable Cause, Public Proceedings
48. [GRPC 8.5: Choice of Law](#)
49. GRPC 9.2: [Prohibition on Agreements not to File Disciplinary Complaints](#)
50. GRPC 9.3: [Cooperation with Disciplinary Authorities](#)

Fundamental Professional Duties

51. [GRPC 1.1 Competence](#)
52. [GRPC 1.2](#) Scope of Representation and Allocation of Authority Between Client and Lawyer
53. [GRPC 1.3 Diligence](#)
54. [Instructions for What Clients Want](#) (Conduct short interview and complete on line questionnaire – Tuesday, Feb 6 by 12 noon)

WEEK FOUR (1/31/24)

By Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/81856757834>

Meeting ID: 818 5675 7834

55. [GRPC 1.16](#) (Declining or Terminating Representation)
56. [GRPC 1.4](#) Communication
57. [GRPC 2.1](#) Advisor
58. Repeat from Week Three: [Instructions for What Clients Want](#) (Conduct short interview and complete on line questionnaire – Tuesday, Feb 6 by 12 noon)

WEEK FIVE

Tuesday (2/6/24) – due by noon

[What Clients Want](#) (Conduct short interview and complete on line questionnaire)

Class by Zoom (2/7/24)

<https://us02web.zoom.us/j/81645159845>

Meeting ID: 816 4515 9845

59. [GRPC 1.6](#) (Confidentiality of Information)
60. [ABA Model Rule of Professional Conduct 1.6](#)
61. ABA Model Rule 1.6 - [Comment](#)
62. [GRPC 3.3](#) (Duty of Candor toward the Tribunal)
63. [ABA Model Rule of Professional Conduct 3.3](#)
64. Mohandas K. Gandhi, "[Deceived By a Client](#)"
65. Gandhi, "[How a Client was Saved](#)"

- 66. Clarence Darrow, *The Story of My Life* (1932): [Chapter 23 \(George Bissett\)](#)
- 67. Freedman, "[Professional Responsibility of the Criminal Defense Lawyer: The Three Hardest Questions](#)," 64 Mich. L. Rev. 1469 (1966) (written BEFORE ABA Model Code was published)
- 68. ABA Model Code: [DR 7-102](#) (published 1969, amended 1974)
- 69. [Nix v. Whiteside](#), 475 U.S. 157, 106 S. Ct .988 (1986)

WEEK SIX (2/14/24)

By zoom

No quiz

- 70. [Simon Exercise](#) (review for in-class exercise)
- 71. Results of "What Clients Want" survey (for class discussion)
- 72. [Original version of ABA Model Rule 1.6 as adopted in 1983](#)
- 73. [Ethics 2000 recommendations to amend MR 1.6](#)
- 74. [Summary of ABA House of Delegates Actions in 2001 on MR 1.6](#)
- 75. [ABA MR 1.6 as adopted in 2002](#)
- 76. [ABA MR 1.6 after 2003 amendments](#)
- 77. [Comparison of current ABA 1.6 and GRPC 1.6](#)
- 78. [New Jersey Rule 1.6](#) (requiring disclosure of confidential information to prevent death or substantial bodily harm or financial injury)
- 79. GRPC [4.1](#)

WEEK SEVEN (2/21/24) (in person class)

Continued discussion of readings assigned for Week Five and Week Six

No quiz

- 80. [GRPC 1.18](#) (Duties to Prospective Client)
- 81. [Instructions for Second Simon Exercise](#) to be conducted during class (confidential instructions emailed to each student)
Firm 1: Taya (attorney), Leigha (Simon)
Firm 2: Katherine (attorney), Alexandra (Simon)
- 82. [Instructions for Simon Paper due March 25](#)

WEEK EIGHT (2/28/24) (in person class)

-- Atty-Client privilege, Duties as an advocate, Lawyer as witness, prosecutorial ethics

-- [Three Possible quiz questions](#) for possible testing in class (additional questions may be tested in class). You may discuss these three questions with anyone in this course (The Client Relationship) this semester, but NOT with anyone else.

-- Review session for Long Quiz 1, to be given in Class Nine

- 83. [GRPC 3.1](#) (Meritorious Claims)
- 84. [GRPC 3.2](#) (Expediting Litigation)

85. [GRPC 3.4](#) (Fairness to Opposing Party and Counsel)
86. [GRPC 3.5](#) (Impartiality of Forum)
87. [GRPC 3.8](#) (Special Responsibilities of a Prosecutor)
88. [Defendant Michael Roman's Supplemental Reply](#), Georgia v Trump (Fulton Co. Superior Ct.), Feb. 9, 2024
89. [McLaughlin v Payne](#), 295 Ga. 609, 761 S.E.2d 289 (2014)
90. [Ga. Code § 24-5-501](#) (Confidential Communications)
91. Paul S. Milich, [Attorney-Client Privilege](#), Courtroom Handbook on Georgia Evidence (2023)
92. [Rose v Commercial Factors of Atlanta](#), 262 Ga. App. 528, 586 S.E.2d 41 (2003) (crime fraud exception to accountant-client privilege – same standard for attorney-client privilege)
93. [Tenet Healthcare Corporation v. Louisiana Forum Corporation](#), 273 Ga. 206, 538 S.E.2d 441 (2000)
94. David Wickert, [The Fani Willis hearing: What We Learned](#), Atlanta Journal Constitution, Feb. 19, 2024
95. Thomas Spigolon, [Ex-Partner's Attorney-Client Privilege Will Be Key in DA Disqualification Decision](#), Daily Report, Feb. 21, 2024
96. [In re Ryder](#), 263 F.Supp. 360 (E.D. Va. 1967)
97. Optional: Clark D. Cunningham, [Why Fani Willis Should Step Aside in the Trump Case in Georgia](#), N.Y. Times, Jan. 24, 2024

CLASS NINE (3/6/24)

See updated information regarding Long Quizzes, above, including rules that will be tested on Long Quiz 1

6:00 pm Long Quiz 1 (20 multiple choice questions, closed book)

8:05 pm By zoom: Review quiz questions, Mid-term evaluation

<https://us02web.zoom.us/j/81304919026>

Meeting ID: 813 0491 9026

SPRING BREAK (3/13/24)

WEEK TEN (asynchronous class)

Conflicts of Interest, Motions to Disqualify, Malpractice Liability

Conflicts of Interest

98. GRPC [1.7](#), [1.8](#), [1.9](#)
99. Read ABA Model Rule [1.7](#)
100. [Comparison of Current ABA MR 1.7 and GRPC 1.7](#) (MS Word document)
101. [Class Counsel Loses \\$7,000,000 in Attorney Fees Due to Conflict of Interest](#)

Motions to Disqualify

102. [Bernocchi v. Forcucci](#), 279 Ga. 460, 614 S.E.2d 775 (2005).
 103. [Sullivan County v. Town of Acworth](#), 686 A.2d 755 (N.H. 1996) (4 pp)

Relevance of GRPC 1.7 to Malpractice Claims

104. [Allen v Lefkoff](#), 453 S.E.2d 719 (Ga 1995)
 105. [Peters v. Hyatt Legal Services](#), 220 Ga.App. 398 (1996)

Webcast presentations:

- Cunningham: [Conflicts of Interest – Overview](#) (20 minutes)
 Cunningham: [Conflicts of Interest – Relevance to Malpractice](#) (12 minutes)
 Cunningham: [Conflicts of Interest – Relevance to Motions to Disqualify](#) (13 minutes)
 Cunningham: [Conflicts of Interest – Former Clients](#) (7 minutes)
 Single [power point for all four presentations](#) posted in Class 10 folder of Class Presentations

Monday, March 25, 12 noon

Simon paper due to TWEN assignment drop box

WEEK ELEVEN (in person class 3/27/24)

[Six possible quiz questions](#) (additional questions may be tested in class)

106. GRPC [3.6](#)
 107. GRPC [3.7](#)
 108. Georgia v Trump, [Order on Motion to Disqualify](#)
 Optional readings
 1. [Interlocutory Appeals](#)
 2. [Trump motion for certificate of immediate review](#)
 3. [Certificate of immediate review](#)
 109. GRPC [1.10](#)
 110. GRPC [1.11](#)
 111. GRPC [1.12](#)
 112. [Introduction to Nissan Motor v Orozco](#)
 113. [Nissan Motor Corp. v. Orozco](#), 595 So.2d 240 (Fla.App.1992)
 114. [ABA House OKs Lateral Lawyer Ethics Rule Change](#) (ABA Journal Weekly Newsletter Feb 16, 2009)
 115. Read ABA Model Rule [1.10](#)
 116. [Comparison of Current ABA MR 1.10 and GRPC 1.10](#) (pdf)
 117. Jonathan D. Glater & John Schwartz, [Enron's Many Strands: The Deliberations](#), New York Times (6/17/02)
 118. John Schwartz & Kurt Eichenwald, [Enron's Many Strands: The Lawyer](#), New York Times (6/17/02)
 119. James Podgers, "[Lawyers as Fraud Fighters: Proposed Rules on Reporting Financial Wrongdoing Go to House of Delegates](#)," ABA e-Report (8/8/03)

120. GRPC [1.13](#) (Organization as Client)
121. [Jesse v Danforth](#), 485 N.W.2d 63 (Wis. 1992)
122. [Willner's Fuel Distributors, Inc.v. Norveen](#), 882 P.2d 399 (Alaska 1994)
123. Taylor , "[Ethics and the Law: A Case History](#)," [NY Times Magazine](#) (1/9/83)
(The OPM Case)

WEEK TWELVE (in person class 4/3/24)

Possible quiz questions (not yet posted)

124. GRPC [3.9](#)
125. GRPC [4.2](#), [4.3](#), [4.4](#)
126. Georgia [Formal Advisory Opinion 16-1](#) (confidentiality between jointly represented clients)
127. Georgia [Formal Advisory Opinion 20-1](#) (communication with former employee of organization represented by counsel)
128. ABA Model Code of Judicial Conduct
 1. [Rule 1.2: Promoting Confidence in the Judiciary](#)
 - [Comment 5](#) (test for appearance of impropriety)
 2. [Rule 1.3: Avoiding Abuse of the Prestige of Judicial Office](#)
 3. [Rule 2.3: Bias, Prejudice, and Harassment](#)
 4. [Rule 2.4: External Influences on Judicial Conduct](#)
 5. [Rule 2.9: Ex Parte Communications](#)
 - [Comment on Rule 2.9](#)
 6. [Rule 2.10: Judicial Statements on Pending and Impending Cases](#)
 7. [Rule 2.11: Disqualification](#)
 - [Comment on Rule 2.11](#)
 8. [Rule 2.15: Responding to Judicial and Lawyer Misconduct](#)
 9. [Rule 3.11: Financial, Business, or Remunerative Activities](#)
 10. [Rule 3.12: Compensation for Extrajudicial Activities](#)
 11. [Rule 3.13: Acceptance and Reporting of Gifts \(etc.\)](#)
 12. [Rule 3.14: Reimbursement of Expenses and Waivers of Fees or Charges](#)
 13. [Rule 3.15: Reporting Requirements](#)
 14. [Rule 4.1: Political and Campaign Activities in General](#)
 15. [Rule 4.2: Political and Campaign Activities in Public Elections](#)
 16. [Rule 4.3: Activities of Candidates for Appointive Judicial Office](#)
 17. [Rule 4.4: Campaign Committees](#)
129. [Georgia Code of Judicial Conduct: Rule 2.11 \(Disqualification and Recusal\)](#)
130. Georgia Uniform Superior Court [Rule 25: Recusal](#)

WEEK THIRTEEN (last class 4/10/24)

6:00 pm Long Quiz 2 – remote (20 multiple choice questions, closed book)

See specific information regarding Long Quiz 2, above on page 4

8:00 pm Review quiz questions by zoom, Final course evaluation