

The Client Relationship: Fall 2016

Law 6022 3 credit hours

Monday 6:00pm - 8:45 pm Room 241

This course satisfies the Professional Responsibility requirement and is taken instead of Law 6020.

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

Professor Clark D. Cunningham, Office 210

Office Hours: Monday, 5:05pm – 5:30 pm in Room 241 (classroom) and by appointment

Home page: www.ClarkCunningham.org

Senior Administrative Coordinator: Karen Butler, Office 202, kpbutler@gsu.edu

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.

Duplicated materials to be handed out (no charge) at the first class:

(1) Materials on Georgia Legal Ethics ("GLE") (which include the Georgia Rules of Professional Conduct)

(2) Case Studies: Volume I: The Garrow Case -- Privileged Information by Tom Alibrandi & Frank Armani (edited)

(3) Case Studies: Volume II: (A) Suellen Scarnecchia and the Baby Jessica Case, (B) Constance Baker Motley and the James Meredith Case

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 mid-semester (See Learning Objectives, below)

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

30%: Final exam: 2-hour completely closed-book, multiple choice exam (See Exam, below)

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 a two-hour, closed-book multiple-choice 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 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 will be factored into the composite quiz score for the semester.

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.

EXAMINATION:

The final examination will count for 30% of the course grade and will be a two-hour closed book multiple choice exam consisting of 50 questions. Answers will be manually recorded on an optically scanned answer sheet (OPSCAN). **Do not bring any written materials or any electronic device, including a laptop or smartphone, to the exam.**

Students will be expected to be familiar with all the assigned readings, including all pages assigned from the case studies. Students must also be familiar with the fact patterns for the exercises. Students who attend all exercises and case study discussions will be better prepared for the examination. 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. Students are not required to memorize

the “maximum penalty” specified for each rule. If a student is asked to compare a specific Georgia rule with an ABA model rule, the text of the ABA model rule will be attached to the exam. Except for such comparison questions, exam 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 who represent corporations" rather than "GRPC 1.13").

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. Many of the questions will be based on fact patterns from the Exercises and Case Studies and will focus on issues of ethical decision making and professional judgment discussed in class and in the writing assignments. (In terms of the exercises, complete review of the "Exercises" section of the course web site is an excellent method of preparation; "complete" means all the background information, specific instructions, videos, student papers posted on the web site, and instructor comments on the papers.)

The final exam will contain the following instructions:

CLOSED BOOK FINAL EXAMINATION

No notes or outlines. No copy of the Georgia Rules of Professional Conduct or the ABA Model Code or Model Rules other than the ABA Model Rules which are attached to the end of this exam.

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.

FIRMS:

On the first day of class 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 through the response device system ("clickers"), for some questions the instructor will 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 answers are provided using a Turning Point Response Card (“clicker”) assigned to the student for the entire semester. Cumulative results for the entire class are 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. 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, Professional Responsibility: Heroes & Villains or Transition to Practice). 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.

Unless there is a make-up pending, the quiz as given with correct answers indicated and student scores listed anonymously by “clicker id” are usually posted on the course website 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.

FINAL SYLLABUS
(As of April 11, 2017)

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.

CLASS ONE (8/15/16)

1. Review Course Information, *supra*, pp. 1-4.
2. Student Questionnaire and Learning Contract: **complete by 10am on Wednesday, August 17 for two bonus quiz points.** Review the entire questionnaire by clicking [here](#) and then complete the questionnaire [on-line](#).
3. [Louis Brandeis, The Opportunity in the Law](#) (1905) (excerpt)
4. American Bar Association: [New Standards for Approval of Law Schools \(August 2014\)](#)
5. The Multistate Professional Responsibility Exam (required in Georgia)
Skim the National Conference of Bar Examiners [Web Site](#)
Skim [Information on the Multistate Professional Responsibility Examination \(pdf\)](#)
6. [Clark D. Cunningham, Learning Professional Responsibility: The Way Forward](#)

(excerpt)

7. [Barbara Glesner Fines, Using Team-Based Learning in the Professional Responsibility Course](#) (8 page pdf) (excerpted for students in this course by permission of the author)

What are the Georgia Rules of Professional Conduct?

8. [Georgia State Bar Rule 4-102](#)
9. GRPC: [Preamble](#)
10. GRPC: [Scope](#)

Regulation of Lawyer Advertising Through the Bar Disciplinary System

11. [Bates v. State Bar of Arizona](#), 433 U.S. 350 (1977) (established 1st Amendment right for attorneys to advertise)
12. [GRPC 7.1: COMMUNICATIONS CONCERNING A LAWYER'S SERVICES](#)
13. Read ABA MR [7.1](#) (including the [comment](#))
14. [Chart comparing Georgia and ABA Rule 7.1](#)
15. [GRPC: 7.2: ADVERTISING](#)
16. [GRPC 7.3: Direct Contact with Prospective Clients](#)
17. [ABA MR 7.3](#) (not including the comment)
18. [GRPC 7.4: COMMUNICATION OF FIELDS OF PRACTICE](#)
19. [GRPC 7.5: Firm Names and Letterheads](#)
20. Read ABA MR [7.2](#), [7.4](#) and [7.5](#) (you are NOT required to read the comments)
21. [In the Matter of Anonymous](#), 775 N.E. 2d 1094 (Ind. 2002) (example of deceptive lawyer advertisement)

CLASS TWO (8/22/16)

Practice quiz – not for a grade

[Five Practice Quiz Questions](#)

22. [Sample Firm Rules](#)
23. [Four Component Model](#) (2 ppt slides)

Grounds for Discipline

24. [GRPC 5.1: Responsibilities of Supervisory Lawyers](#)
25. [GRPC 5.2: Responsibilities of Subordinate Lawyers](#)
26. [GRPC 5.3: Responsibilities for Nonlawyer Assistants](#)
27. [GRPC 8.1: Bar Admission and Disciplinary Matters](#)
28. [GRPC 8.3: Reporting Professional Misconduct](#)
29. [GRPC 8.4: Misconduct](#)
30. [Rule 4-103. Multiple Violations](#)
31. [Rule 4-106. Conviction of a Crime; Suspension and Disbarment](#)
32. [Rule 4-109. Refusal or Failure to Appear for Reprimand; Suspension](#)

How are the Rules interpreted?

33. [Rule 4-223. Advisory Opinions](#)

34. [Rule 4-401: Informal Advisory Opinions](#)
35. [Rule 4-403. Formal Advisory Opinions](#)
36. [Formal Advisory Opinion 05-6: Ethical propriety of lawyer advertising where the intent is to refer out to other lawyers](#)

How are the Rules enforced?

37. [GRPC 8.5: Choice of Law](#)
38. [GRPC 9.1: Reporting Requirements](#)
39. [GRPC 9.2: Prohibition on Agreements not to File Disciplinary Complaints](#)
40. [GRPC 9.3: Cooperation with Disciplinary Authorities](#)
41. [GRPC 9.4: Jurisdiction and Reciprocal Discipline](#)
42. [In the Matter of Jack O. Morse](#), 266 Ga. 652 (1996) (Georgia will look to ABA standards for guidance in imposing discipline)(2 pp)
43. [American Bar Association Standards for Imposing Lawyer Sanctions](#) (22 page pdf)
44. [Matter of Kennedy](#), 268 Ga. 751 (1997) (8 month suspension for compensating a person to recommend his employment by a client) (2 pg pdf)
45. [In re Maniscalco](#), 275 Ga 238 (2002) (8 month suspension for compensating a person to recommend his employment by a client) (2 pg pdf)
46. [In re Barnes](#), 275 Ga. 812 (2002) (3 year suspension for compensating a person to recommend his employment by a client) (Justices Hunstein and Thompson would have disbarred) (2 pg pdf)
47. [In re Robbins](#), 276 Ga. 124 (2003) (disbarment for compensating a person to recommend his employment by a client) (note procedural history and evidence of prior discipline) (2 pg pdf)
48. [In re Wells](#), 709 S.E.2d 644 (S.C. 2011) (public reprimand for misleading advertising)

CLASS THREE (8/29/16)

Draft Firm Rules: Due Monday, Aug 29 at 10am. Worth up to 2 bonus points if submitted on time

There will be an open book, graded quiz in Class 3. Make sure you bring your copy of both sections of Georgia Legal Ethics (GLE) to class.

[Eight possible quiz questions](#) (Class 3 quiz may include one or two additional questions as well)

Fees and Trust Accounting

49. [GRPC 1.5 Fees](#) (GLE 19-22)
50. J. Auerbach, [Unequal Justice](#) 44-50 (1970)
51. ABA Canons of Professional Ethics (1908): [Canons 12 and 13](#) (fees)
52. Clark, "[Fear and Loathing in New Orleans](#)," 17 Suffolk Law Review 79 (1983)
53. ABA Model Code of Professional Responsibility, [Disciplinary Rule 2-106](#) (fees)
54. [McKenzie Construction v. Maynard](#), 758 F.2d 97 (3rd Cir. 1985)

55. [Advisory Opinion 47](#): Contingent Fees to Collect Past Due Alimony or Child Support (GLE 156-57)
56. Bilinsky & Best, [Drafting Bills Clients Love to Pay](#), Law Practice Today: The Monthly Webzine of the ABA Law Practice Management Section (Nov. 2008) (6 pages)
57. [Suit Offers a Peek at the Practice of Inflating a Legal Bill](#)
58. [Alternative Fee Arrangements \(Kirkland & Ellis\)](#)
59. [The New Normal: Alternative Fee Arrangements](#)
60. [Amendments at the August 2001 ABA Meeting to Proposed Rule 1.5](#) (rejecting requirement that fee agreements be in writing).
61. Stephanie Cahill, "[New York Courts Require \[Fee\] Letter](#)," ABA Journal E-Report (3/29/02)
62. [New York Rule 1215: Written Letter of Engagement](#)
63. [Formal Advisory Opinion 87-5](#): Assertion of Attorneys' Retaining Liens
64. [Formal Advisory Opinion 91-2](#): Advance Fee Payments
65. [Formal Advisory Opinion 01-1](#): Is it ethically permissible to charge for a standard unit of time without regard to actual time expended?
66. [In the Matter of Denise L. Majette](#) (Ga. 2014) (former state court judge [1993-2002] and Member of Congress [2003-2004] disbarred; did not keep contemporaneous time records but reconstructed time sheets and invoices from memory).
67. [In the Matter of Collins](#), 246 Ga. 325 (1980)
68. [AFLAC Inc. v Williams](#), 264 Ga 351 (1994)
69. [Formal Advisory Opinion 03-1](#): May an attorney charge a non-refundable special retainer?
70. [Formal Advisory Opinion 11-1](#): Flat fixed fee contract for legal services
71. [Sample Engagement Letter](#) (Intellectual Property Firm)
72. [Corcoran v N.E. Ill. Regional Railroad](#), 803 N.E.2d 87 (Ill. App. 2003) (award of shared fee to referring attorney)
73. [GRPC 1.15\(I\)](#) Safekeeping Property - General
74. [Brown v. Legal Foundation of Washington](#), 538 U.S. 216 (2003)
75. [GRPC 1.15\(II\)](#) Safekeeping Property - Trust Account and IOLTA
76. [GRPC 1.15\(III\)](#) Record Keeping; Trust Account Overdraft Notification; Examination of Records

Thursday, September 8: Three deadlines by 10am

-- **Deadline for emailing appeals to Class 3 quiz**

-- **Final Firm Conduct Rules (GRADED WRITING ASSIGNMENT (0-3 points toward cumulative quiz score)**

-- [What Clients Want: Conduct short interview and complete on line questionnaire](#) (after completing the on-line form, send Professor Cunningham an

email confirming that you have completed the assignment. If you have not been able to find a person who has been dissatisfied with a lawyer after three attempts, you may satisfy this assignment by certifying in your email that you have contacted three people.) **(3 points toward cumulative quiz score if submitted by deadline)**

CLASS FOUR (9/12/16)

There will be an open book, graded quiz in Class 4. Make sure you bring your copy of both sections of Georgia Legal Ethics (GLE) to class and Case Studies Volume I (Garrow case).

[Four possible quiz questions](#). Quiz may include one or two additional questions. as well)

Begin unit on confidentiality

77. Clark D. Cunningham, [What Do Clients Want From Their Lawyers?](#)
78. [GRPC 1.1](#) Competence
79. [GRPC 1.2](#) Scope of Representation And Allocation Of Authority Between Client And Lawyer
80. [GRPC 1.3](#) Diligence
81. [GRPC 1.4](#) Communication
82. [GRPC 2.1](#) Advisor
83. Excerpts from Paul S. Milich, "[Attorney Client Privilege](#)," Courtroom Handbook on Georgia Evidence (reprinted with permission of author)
84. [GRPC 1.6](#) (Confidentiality of Information)
85. [GRPC 3.3](#) (Duty of Candor toward the Tribunal)
86. [GRPC 1.14](#) (Client Under a Disability)
87. [GRPC 1.16](#) (Declining or Terminating Representation)

While reading the Garrow Case, ask yourself what Garrow's attorney, Frank Armani, would have been permitted, required or prohibited from doing if the Georgia Rules of Professional Conduct you have read so far had been the applicable rules of professional conduct in New York at that time.

88. Case Study 1 (Frank Armani and the Garrow case): pp. 1-3, 15-21, 30, 38-54, 61-67
1st Simon Exercise in class
89. [1st Simon Exercise](#) (all students to review carefully to prepare to play role of lawyer at initial meeting with Simon)
90. [Additional information about how the First Simon Exercise will take place](#).

Monday, September 19: 10am

Deadline for emailing appeals to Class 4 quiz

CLASS FIVE (9/19/16)

[One Possible Quiz Question](#) (Question 4 from Class 4 Possible Questions) (there may be one more quiz question for Class 5)

Do [on-line video access assignment](#) before class (will take less than 5 minutes unless you need to install Quicktime on your computer)

Continue reading Case Study 1 (Frank Armani and the Garrow case)

2nd Simon Exercise in class; confidential instructions handed out in Class 4. Please prepare carefully. Everyone in your firm will receive between 0-3

points based on the firm's preparation and diligence in performing this exercise.

[Additional exercise instructions for everyone.](#)

91. Case Study 1 (Frank Armani and the Garrow case): pp. 68-191
92. "[Slayer's 2 Lawyers Kept Secret](#)," [New York Times](#) (06/20/74) (1 page)
93. [New York Public Health Law](#) (excerpts) (1 page)
94. [People v Belge, 372 N.Y.S.2d 798](#) (Onondaga County Court 1975) (5 page pdf download)
95. [People v Belge, 376 N.Y.S.2d 771](#) (App. Div. 1975) (1 page)
96. [People v. Belge, 41 N.Y.2d 60](#) (Ct. App. 1976) (1 page)
97. [N.Y. State Bar Opinion No. 479](#) (1978) (5 pages)
98. [GRPC 3.8](#) (Special Duties of a Prosecutor)

Wednesday, September 28: 10am
Deadline for emailing appeals to Class 5 quiz

CLASS SIX (9/26/16)

CLASS BEGINS AT 5:30 and ENDS AT 8:00 WITH ONE 10 MINUTE BREAK
NO QUIZ BEFORE 6:05PM

[Memo from each firm summarizing 2nd Simon meeting due 10am on Monday, September 26](#)

Complete unit on confidentiality

There will be an open book, graded quiz in Class 6. Make sure you bring your copy of both sections of Georgia Legal Ethics (GLE) to class and Case Studies Volume I (Garrow case).

[Five possible quiz questions](#) (Class 6 quiz may include additional questions as well)

99. Finish reading Case Study 1 (Frank Armani and the Garrow case): pp 192-215
100. [In re Ryder](#), 263 F.Supp. 360 (E.D. Va. 1967) (8 pages)
101. Mohandas K. Gandhi, "[Deceived By a Client](#)"
102. Gandhi, "[How a Client was Saved](#)"
103. Clarence Darrow, *The Story of My Life* (1932): [Chapter 23 \(George Bissett\)](#)
104. Freedman, "[Professional Responsibility of the Criminal Defense Lawyer: The Three Hardest Questions](#)," 64 Mich. L. Rev. 1469 (1966)
105. ABA Model Code: [DR 7-102](#)
106. [Nix v. Whiteside](#), 475 U.S. 157, 106 S. Ct .988 (1986)
107. [History of Confidentiality Exceptions](#)
108. [Original version of ABA Model Rule 1.6 as adopted in 1983](#)
109. [Ethics 2000 recommendations to amend MR 1.6](#)
110. [Summary of ABA House of Delegates Actions in 2001 on MR 1.6](#)
111. [ABA MR 1.6 as adopted in 2002](#)
112. [ABA MR 1.6 as amended in 2003 \(current version\)](#)
113. [Comparison of 1983 and 2002 versions of ABA Model Rule 1.6](#)

114. Comparison of Current MR 1.6 and GRPC 1.6 ([Word document](#)) ([pdf](#))

NO CLASS (10/3/16)

Thursday, October 6: 10am

Deadline for emailing appeals to Class 6 quiz

115. Graded Writing Assignment on Simon Exercise due by 5pm on Friday, October 7 (grade reduced if late without good cause)

CLASS SEVEN (10/10/16)

[Four possible quiz questions](#) (quiz may include one or more additional questions as well)

Midterm Evaluation

116. **Introduction to Conflict of Interest, Motions to Disqualify and Malpractice Liability**

117. GRPC [1.7](#), [1.8](#), [1.9](#)

118. Read ABA Model Rule [1.7](#)

119. [Comparison of Current ABA MR 1.7 and GRPC 1.7](#) (MS Word document)

120. [Class Counsel Loses \\$7,000,000 in Attorney Fees Due to Conflict of Interest](#)

Motions to Disqualify

121. [Bernocchi v. Forcucci](#), 279 Ga. 460, 614 S.E.2d 775 (2005).

122. [Sullivan County v. Town of Acworth](#), 686 A.2d 755 (N.H. 1996) (4 pp)

123. Greg Land, [Conflict claim sours big firm's work with health giant](#) (Fulton County Daily Report, August 31, 2006)

124. [May 30, 2006 Engagement Letter from Duane Morris to McKesson](#) (pdf) (read page 3 closely, skim other pages)

125. [ABA Model Rule 1.7 comment \[22\]](#)

Relevance of GRPC 1.7 to Malpractice Claims

126. [Allen v Lefkoff](#), 453 S.E.2d 719 (Ga 1995)

127. [Peters v. Hyatt Legal Services](#), 220 Ga.App. 398 (1996)

128. [In re Friedman's Inc](#), 385 B.R. 381 (S.D. Ga. 2008) (excerpts)

129. [Excerpt from October 24, 2003 Letter from Law Firm to Friedman's Audit Committee](#) (pdf)

Monday, October 17: 10am

Deadline for emailing appeals to Class 7 quiz

CLASS EIGHT (10/17/16)

[Five possible quiz questions](#) (includes two possible questions from Class 7; quiz may include one or more additional questions as well)

Representing an Organization

130. Jonathan D. Glater & John Schwartz, [Enron's Many Strands: The Deliberations](#), New York Times (6/17/02)
131. John Schwartz & Kurt Eichenwald, [Enron's Many Strands: The Lawyer](#), New York Times (6/17/02)
132. James Podgers, "[Lawyers as Fraud Fighters: Proposed Rules on Reporting Financial Wrongdoing Go to House of Delegates](#)," ABA e-Report (8/8/03)
133. GRPC [1.13](#) (Organization as Client)
134. [Jesse v Danforth](#), 485 N.W.2d 63 (Wis. 1992)
135. [Willner's Fuel Distributors, Inc.v. Norveen](#), 882 P.2d 399 (Alaska 1994)
136. Taylor , "[Ethics and the Law: A Case History](#)," [NY Times Magazine](#) (1/9/83) ([OPM Case](#))
[Instructions for OPM exercise](#) (in-class role play) (prepare to play the role of the lawyer, Reinhard)

Monday, October 24: 10am

Deadline for emailing appeals to Class 8 quiz

CLASS NINE (10/24/16)

[Three possible quiz questions](#) (quiz may include one or more additional questions as well)

137. Read: Case Studies: Volume II (A) pp. 2-39 (Baby Jessica Case)
138. GRPC [3.7](#)
139. GRPC [4.1](#), [4.2](#), [4.3](#), [4.4](#)
140. [Formal Advisory Opinion 94-3](#) (Contacting former employees of opposing party)
141. GRPC [3.1](#), [3.2](#), [3.4](#), [3.5](#), [3.6](#), [3.9](#)
142. [Georgia Formal Advisory Opinion 16-1](#) (confidentiality between jointly represented clients)
143. Baby Jessica: Exercise - [Instructions](#)

Monday, October 31: 10am

Deadline for emailing appeals to Class 9 quiz

CLASS TEN (10/31/16)

[Four possible quiz questions](#)

144. Review [GRPC 1.9](#)
145. GRPC [1.10](#)
146. GRPC [1.11](#)
147. GRPC [1.12](#)
148. [Introduction to Nissan Motor v Orozco](#)
149. [Nissan Motor Corp. v. Orozco](#), 595 So.2d 240 (Fla.App.1992)
150. [ABA House OKs Lateral Lawyer Ethics Rule Change](#) (ABA Journal Weekly Newsletter Feb 16, 2009)
151. Read ABA Model Rule [1.10](#)

152. [Comparison of Current ABA MR 1.10 and GRPC 1.10](#) (pdf)
 153. [GRPC 5.5](#) (Unauthorized Practice of Law) – **not tested on final**

Optional readings – background for class presentations (not tested on final)

154. Rhoda Cook, [Is effort to replace judicial watchdog needed or political payback?](#), Atlanta Journal Constitution (Oct. 14, 2016)
 155. Judicial Qualification Commissions (JQC)
 1. [Current Constitutional Provisions](#)
 2. [Proposed Constitutional Amendment](#) (House Resolution 1113)
 3. [Enabling Legislation if Amendment Approved](#)
 156. “Judges with Grudges,” *This American Life*, National Public Radio (Oct. 21, 2016) (story of background of JQC Amendment)
 1. [Transcript](#) (8 pages) and/or
 2. [Podcast](#) (21 minutes – start at 20 minute time code)
 157. E. Robin McDonald, “[Watchdog’s Former Investigator Testifies](#),” Fulton County Daily Report (Sep. 22, 2016) (**about Richard Hyde, guest speaker for our class on October 31**)
 158. E. Robin McDonald, “[Senator Claims House ‘Personal Animus’ Behind Constitutional Amendment](#),” Fulton County Daily Report (Oct. 20, 2016)
[Code of Judicial Conduct: Georgia/ABA Comparison](#)

Monday, November 7: 10am

Deadline for emailing appeals to Class 10 quiz

CLASS ELEVEN (11/7/16)

[Three possible quiz questions](#) (quiz may include one or more additional questions as well)

159. Review [GRPC 5.5](#) (Unauthorized Practice of Law) – **not tested on final**
 160. [FAO 00-3](#) (use of paralegal in real estate closing)
 161. [FAO 00-2](#) (legal advice by non-lawyer staff of law firm)
 162. [Student Practice Rule](#)
 163. [Georgia Bar Journal article about new student practice rule](#)
 164. [Biography of Constance Baker Motley](#)
 165. Case Studies: Volume II, Section B: Constance Baker Motley and the James Meredith Case, pp 1-50
 ■ **Prepare to role play Motley counseling Meredith as to whether to drop the case, as described on p. 1 (last paragraph)**
 166. [Obituary of Constance Baker Motley](#)
 167. [Update on integration at University of Mississippi](#)
 168. [Update on James Meredith](#)

Monday, November 14: 10am

Deadline for emailing appeals to Class 11 quiz

CLASS TWELVE (11/14/16)

[Four possible quiz questions](#) (quiz may include one or more additional questions as well)
Qs1-3 are sample final exam questions -- practice answering each of these question closed book in 2 minutes per question and compare your answers after then looking at the readings assigned on the syllabus and other open book resources.

169. Case Studies: Volume II (A) (Baby Jessica Case), pp 39-69
170. [28 U.S.C. 2101\(f\)](#) (stay pending application for writ of certiorari)
171. "[Stay Pending Review by U.S. Supreme Court,](#)" Am. Jur. 446
172. [DeBoer v Schmidt](#), 509 U.S. 1301 (1993) (Stevens, J.) (denial of stay application)
173. Cunningham, "[How Can We Give Up Our Child?](#)" (pdf)(4 pp)
174. Steven Keeva, "[A Client's Perspective,](#)" ABA Journal 76 (Jan. 2005) (pdf file)

NO CLASS (11/21/16) THANKSGIVING BREAK

Monday, November 28: 10am

Deadline for emailing appeals to Class 12 quiz

CLASS THIRTEEN (11/28/16) Last Class

No quiz

GSU and supplemental course evaluation administered in class

Review sample TCR final exam questions – open and closed book

Review sample MPRE-type questions

Movie night: Greatest Hits

Diners Club encouraged to bring popcorn

Short Student Questionnaire-Final (2 bonus quiz points if completed by 10 pm on 11/29)

175. [Baby Jessica in class role-play Exercise Two](#)

Optional short readings. These will not be tested on the exam but are provided to help bring together themes of the course

176. Nelson Mandela, [The Law Firm of Mandela & Tambo](#)
177. William Stringfellow, [A Lawyer's Work](#)
178. "[Sometimes You Can't Make a Dent, But They Know You've Been There](#)" 106 Harvard Law Review 1962 (1993).

Monday, December 5

3-5pm Open office hours

Tuesday, December 6 – Noon Deadline for exam related questions

10-12am Open office hours

No exam related questions will be answered in person or by email after 12 noon on Dec 6.

Wednesday, December 7

5-6pm: Snacks in Room 346 (but no exam talk)

6-8pm: **Final Exam** Room 341

7:30 -8:30pm I will be in Room 346 with exam answers that can be viewed but not taken away.