INTRODUCTION

These materials are for use in the course on Professional Responsibility. This section is an introduction both to these materials and to the course.

The goals of the course are four-fold:

1. To introduce you to professional responsibility issues and to assist you in recognizing such issues in situations lawyers face in practice,

2. To provide the tools necessary to resolve these issues, which include both knowledge of existing standards and an understanding of the underlying policies and concerns,

3. To assist you in developing your own personal sense of identity and role as an attorney, so that you can resolve "ethical" dilemmas and critically evaluate the standards which have been adopted by the profession, and

4. To prepare you to successfully complete the Multistate Professional Responsibility Exam (MPRE).

The first two goals are similar to the goals in any substantive law school course. Accordingly, parts of this course and these materials will resemble any other course you have taken. But the third goal is somewhat different, because, unlike other courses where you learn material and skills to assist clients in the pursuit of their goals, in this course you must deal with your own goals apart from the client's needs or wishes. It is this difference that causes many students to approach this course with skepticism, assuming that such goals are personal and "ethics" can't be taught. But there is a difference between one's own personal sense of ethics and morality and the professional responsibilities of an attorney. The first chapter focuses on that difference, and what it means for us as attorneys.

The remainder of these materials address issues of professional conduct and regulation. The course focuses on the Model Rules of Professional Conduct to ensure that students have learned the relevant law by the time they have completed the course. A knowledge of these rules alone, however, is not enough. Throughout the course we will discuss how decisions about identity and role, coupled with suggested responses from the Rules and other relevant sources, can lead to resolution of professional responsibility problems that will not only avoid discipline but will also be acceptable to us as individuals and as attorneys. This is a major undertaking, but one of extreme importance.
LEARNING OBJECTIVES

The following, borrowed with minor changes from Professor Glesner Fines, is a good statement of learning objectives for the course:

At the end of the course, students should:

1. Master the law governing lawyers. You should understand the relationship between bar-generated disciplinary codes and other sources of law, such as cases, statutes and regulations. You should be able to identify the core issues and governing law in any troublesome situation and be able analyze complex professional responsibility problems in the core areas of concern for attorneys:

   - the four C’s of the attorney-client relationship
     Competence, Communication, Confidentiality, and Conflict-free representation

   - the three C’s the attorney-court relationship
     Candor, Compliance, and Civility

   - the FAIR rule for the attorney’s relationship with everyone else in society
     Fairness, Access, Integrity, Responsibility

   Finally, you should be able to recognize the tensions among these concepts, which are inherent in the regulation of attorneys.

2. Be able learn more. You will have the skills to research issues of professional responsibility and be aware of sources for additional help.

3. Have a clearer vision of your own professional identity and your stance on critical questions of professional role.

4. Be able to avoid getting yourself, your fellow attorneys, and your clients into trouble, by having learned some practical strategies for avoiding common professional pitfalls.

5. Have the information and skills to pass the MPRE with appropriate preparation.