Introduction

This book is one of several rules supplements for professional responsibility courses. Most of the others include a great deal of information that is rarely assigned to students. They include numerous other statutes and codes relevant to the course but often not assigned; these resources add to the weight and cost of the books. We wanted to offer a lower-cost supplement that includes only the resources most students of professional responsibility need while taking the course. The most central is the Model Rules of Professional Conduct. The black-letter rules and the comments are reprinted in full in this supplement.¹

We have included two other sections in this rules supplement. The first is a selection of rules from the state ethics codes that are significantly different from the Model Rules. These rules are intended to assist in studying the Model Rules. A professor or a student may compare an excerpted rule with the relevant Model Rule to explore the divergent policy choices. We added brief notes to many of the excerpted rules to highlight the differences between the state rule and the corresponding Model Rule. The point is that the Model Rules, like all statutes and regulations, are a compilation of policy choices, best understood through critical evaluation.

The third section of the supplement consists of complex multiple-choice questions, written by the authors, that students can use to test their understanding of the topics covered in the professional responsibility course. Like the questions on the Multistate Professional Responsibility Examination (MPRE), our questions have four possible answers, all of which at first reading seem plausibly correct. By working through these questions, students will become familiar with the format of the MPRE and will improve their skills in analyzing such questions correctly. At the back of the book, we have included answers to the questions and a detailed narrative explanation of the each of the answers.

Many students will want to test themselves using the review questions after studying each unit of the course. Although different courses take up topics in different sequences, it should be easy for students to identify the relevant set of questions for each topic. Students should consult the Model Rules, including the comments, as they attempt to answer these questions. Rather than guessing which

¹. This supplement does not include the ABA Model Code of Judicial Conduct, but it can be found at https://perma.cc/LPV7-NJ2D. All the other supplemental resources that might be referenced in a professional responsibility course also are available on the Web or on Lexis or Westlaw.
answer sounds most reasonable, a student should figure out which answer is correct and why, as well as why each of the incorrect answers is incorrect. The questions are too difficult to be answered from memory; the answers to some of them depend on the exact wording of certain Model Rules and comments. Students will need to make notes to untangle some of the questions. Even though the MPRE does not permit consultation of the rules, the learning value of using these questions will be much greater if they are tackled with the rules in hand. Also: resist the temptation to look at the answers to the questions or to read the explanation for the answers until you have done your own rigorous analysis of each question. Once you have done so, it is well worth your while to study the explanations to see whether you have accurately analyzed each question.

This book has a companion website, at www.WKLegaledu.com/Lerman-Supp-Ethics2019. If the American Bar Association makes any changes to the Model Rules or the comments before the end of 2020, we will post those changes in an “Author Updates” link on the website. Similarly, if we discover a need to qualify or add to any answer to a practice question, we will post the additional explanation in an “Author Updates” link.

We welcome feedback from professors and from students on the state variations section of the supplement and on the multiple-choice questions. We also would welcome the contribution of additional multiple-choice questions and annotated answers from users of this supplement. If we use a suggested question in the next edition, we will acknowledge the drafter in the book. Feedback, suggestions, and questions may be sent to Lisa Lerman at lerman@law.edu.

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