
PREFACE

This casebook is designed to introduce law students to the law and ethics of lawyering. Unlike traditional Professional Responsibility casebooks, this one focuses more on business and other transactional lawyers than on litigators. Nevertheless, there are plenty of cases involving litigation lawyers, and the casebook is designed to provide a basic introduction to the subject matter for all law students, regardless of the type of practice they will enter.

The casebook is structured around text, edited cases, notes and questions, and review problems. The text introduces the concepts and provides explanations of many of the rules discussed, allowing the instructor to focus on the more difficult aspects of each subject area. The notes and questions following the cases are designed to highlight what is most important in the case, and to explore whether and how the result might be different if the facts are varied. We anticipate that the instructor will discuss some but not all of the notes and questions in class, but will be receptive to student questions based on any of the assigned material not specifically mentioned in class. Review problems are provided at the end of each chapter and are intended to be used at the discretion of the instructor. Some instructors may use particular problems during the initial discussion of the material; others will use them at the end of the chapter for purposes of review; still others will not assign them at all, but students may want to use them for purposes of review on an ongoing basis or for the final examination in the course.

Chapter 1 describes the various sources of the law of lawyering, including rules of professional conduct, which are typically adopted by a state's highest court. The casebook focuses largely on the American Bar Association's Model Rules of Professional Conduct; however, some cases rely on state court versions that may differ from the Model Rules, and both the text and the footnotes frequently indicate common state variations. The casebook is deliberately designed to emphasize the extent to which state rules differ from the Model Rules and the importance of lawyers knowing what their own state rules provide. Indeed, the Teacher's Manual to this casebook suggests that the instructor ask students to choose one or more state court versions to monitor throughout the semester and to determine for each chapter how their state's rules differ from the Model Rules. Ideally, students will choose the state where they are most likely to practice.

All of the main cases are edited to clarify the court's discussion of the ethical issues relevant to the material being discussed in the chapter in which the case appears. We use ellipses or brackets to indicate omissions from the court's opinion; however, omitted citations and footnotes are generally not identified. We sometimes add a footnote to an opinion, labeled "Ed. Note," to provide an explanation helpful to students reading the opinion. We include some footnotes that are original to the opinion, clearly identified as such, including providing the original footnote number.

Citations to cases and other authorities generally follow the most recent version of *The Bluebook: A Uniform System of Citation*, but with some omissions designed to make the citations more succinct. For example, we typically cite to regional reporters only and often omit the subsequent history of a case. Also, we provide Internet citations only when we believe that the material will otherwise be difficult for students to find.

When discussing the American Bar Association's Model Rules of Professional Conduct in text, we typically refer to the "Model Rules," and when citing the Model Rules, we use the abbreviation "MR." In referring to a particular rule in text, we use either "Model Rule [x]" or "Rule [x]." When citing either a current Model Rule or the current state court rule, we do not provide the year; therefore, students should assume that the citation is to the most recent edition of those rules at the time the casebook was written. If we provide a year, it is because we are referring to an earlier version of the rule, which has since been changed.

In addition to the Model Rules, this casebook frequently discusses and cites the American Law Institute's Restatement (Third) of the Law of Lawyering (2000). We refer to this restatement in text as "the Restatement" and we cite it as "RLGL." When we occasionally reference other restatements of the American Law Institute, such as the Restatement (Third) of Agency (2006), we use the full name and provide full citation information.