

# ANNOTATED BIBLIOGRAPHY OF EDUCATIONAL MATERIALS ON LEGAL ETHICS

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## I

### INTRODUCTION

This annotated bibliography includes references to written and audiovisual materials for legal ethics courses and curricular integration projects. It is a tool for identifying innovative materials not readily accessible that can enrich legal ethics instruction. It does not include scholarly publications, casebooks, and syllabi for standard courses.

Part II describes written and audiovisual resources for teaching professional responsibility available through a wide variety of sources. Books and videotapes are listed under the author or organization that published them. Unpublished materials are listed under the institutions from which they are currently available. Part III describes materials for teaching professional responsibility courses and for integrating ethical issues into particular substantive courses. These materials are listed under the schools or institutions at which they were developed, or, if the authors have moved to different institutions, at the school where they currently teach. Part IV categorizes the preceding materials by law-school subject matter.

## II

### WRITTEN AND AUDIOVISUAL RESOURCES

#### A. AMERICAN BAR ASSOCIATION

1. Audiovisual Materials on Professional Responsibility (Roger Cramton ed., 1988).

This book provides an annotated listing of audiovisual materials for use in teaching professional responsibility. The listed materials include feature films, documentaries and educational videotapes, and the television series *L.A. Law*. Descriptive and evaluative comments are included on most items.

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We welcome any additions or corrections. Please send all information to Professor Deborah Rhode, Director of the Keck Center on Legal Ethics and the Legal Profession, Stanford Law School, Crown Quadrangle, Stanford, CA 94305. The financial support of the W.M. Keck Foundation and the research assistance of Alison Aubry and Sarah Killingsworth are gratefully acknowledged.

The guide is available from the American Bar Association, Attn: Publications, 750 North Lake Shore Drive, Chicago, IL 60611, (312) 988-5555. The order number of the guide is 5190084.

2. Four Vignettes (ABA 1987).

This videotape series raises issues concerning various ethical obligations of lawyers and the tensions that arise from viewing law solely as a business. The four scenes involve a client who approaches a law firm to enforce a no-competition contract clause against one of his former employees. In the first scene—the initial interview between the client, a senior partner, and an associate—potential conflicts of interest arise because the law firm had previously represented the employee in another matter. The second vignette involves a conference between the senior partner and the well-meaning associate concerning the ethical implications of accepting the client's case and of choosing particular time-intensive, and therefore expensive, strategies. The third vignette addresses the discovery of a "smoking gun" that undercuts the client's case. The fourth scene—regarding a motion to compel discovery of the "smoking gun" memo—takes place in the judge's chambers.

For information, contact the American Bar Association, Section on Litigation, 750 North Lake Shore Drive, Chicago, IL 60611, (312) 988-5662.

3. Legal Ethics: Applying the Model Rules series (ABA 1984).

Each of the four videotapes in this series provides dramatic vignettes in which attorneys confront ethical dilemmas, followed by a panel of experts discussing the propriety of the attorneys' behavior and alternative ways of handling the dilemmas. The discussion guides include transcripts of the videotapes, a summary of the issues raised by each vignette, and discussion suggestions. The four videotapes in the series concern the following issues:

a. *Interviewing and the Lawyer-Client Relationship.* The central issue presented by this 43-minute videotape is whether an attorney should represent both husband and wife in a divorce action.

b. *Counseling.* In this 34-minute vignette, an attorney discovers a defect in the corporation's title to one of its factories. The attorney confronts conflicting obligations of candor and confidentiality involving a corporate securities registration statement.

c. *Negotiation.* The vignettes on this 35-minute videotape involve an attorney's representation of his clients in a tort suit. The scenes raise issues of lawyer incompetence and appropriate negotiating strategies.

d. *Investigation.* This 32-minute videotape portrays two scenes in a civil case: a pre-trial interview between the defendant's lawyer and a witness for the plaintiff and cross-examination of the same witness by the defendant's lawyer at trial. The scenes raise issues of conflicts of interests and ethical obligations while interviewing witnesses.

For information, contact the American Bar Association, Attn: Publications, 750 North Lake Shore Drive, Chicago, IL 60611, (312) 988-5555.

4. Louis Parley, *The Ethical Family Lawyer: A Practical Guide to Avoiding Professional Dilemmas*.

This book discusses ethical issues in establishing a professional relationship with a client, in deciding when to accept or reject a case, in addressing potential conflicts of interest, and in acting as an advocate under the Model Rules of Professional Conduct.

For information, contact the ABA Service Center at (312) 988-5522.

B. AMERICAN JUDICATURE SOCIETY

The following materials are available through the American Judicature Society, 180 North Michigan, Suite 600, Chicago, IL 60601, (312) 558-6900.

1. *Judicial Ethics and the Administration of Justice*.

This is a set of two 30-minute videotapes, accompanied by an instructor's manual and a self-study guide. The first videotape focuses primarily on judges' courtroom conduct, such as trial conduct, prejudice and bias, and treatment of attorneys, litigants, and witnesses. The second videotape covers issues such as conflict of interest and disqualification, conduct off the bench, supervision of court personnel, and misuse of office.

The instructor's manual includes questions, rules, and background materials. The self-study guide is useful for those who are unable to participate in group discussions.

2. Jeffrey Shaman and Cynthia Gray, *Judicial Conduct and Ethics Curriculum*.

Developed under a Keck Foundation grant, this curriculum is designed to teach judicial ethics directly to judges. The course covers nine topics: ex-parte communications; disqualification; judicial discretion; courtroom demeanor; administrative responsibilities; teaching, writing, and speaking; business and financial activities; civic and charitable activities; and social relationships.

C. COLUMBIA UNIVERSITY SEMINARS ON MEDIA AND SOCIETY

The *Ethics in America* series of one-hour television programs, produced by Fred W. Friendly in 1989, invites students to struggle with ethical dilemmas through hypothetical case studies. The following videotapes are programs from the series that deal with legal ethics.

1. *The Anatomy of a Corporate Takeover: Ethics on the Business Battlefield*.

At the core of this corporate takeover issue are ethical obligations to shareholders, directors, investors, employees, consumers, and public. A panel debates problems of competing responsibilities, as well as the meaning and limits of fiduciary duty, and the role of fairness in the corporate world. Panelists include well-known executives (James Beré, CEO of Borg-Warner;

Warren Buffett, CEO of Berkshire Hathaway; Sir James Goldsmith of General Oriental Investments Ltd.; T. Boone Pickens, CEO of Mesa, Inc.; Robert Mercer, CEO of Goodyear), attorneys (Joseph Flom, Arthur Liman), a United States Senator (Tim Wirth), and an M.I.T. economist (Lester Thurow).

2. *The Victim and the Accuser: Society's Anger, Society's Responsibility.*

Panelists examine ethical dilemmas confronting attorneys in the criminal justice system, such as the representation of guilty clients and the impeachment of a crime victim's character. The panel also debates various rationales for punishment of the guilty. Panelists include U.S. Supreme Court Justice Antonin Scalia, U.S. District Judge Marilyn Hall Patel, Assistant U.S. Attorney Leah Sims, District Attorney Scott Harshbarger, defense attorney Jack Litman, Yale philosopher John Smith, and Hastings Center president Dr. Willard Gaylin.

3. *Truth and Justice: The Adversary System in Civil Litigation.*

A panel debates the purposes and function of civil litigation, and explores the nature and extent of a lawyer's duties to various parties within a civil litigation context. Panelists include U.S. Supreme Court Justice Antonin Scalia, U.S. District Court Judge Robert Merhige, attorneys Floyd Abrams and Stanley Chesley, *Oakland Tribune* editor Robert Maynard, and Yale philosopher John Smith.

4. *To Defend a Killer.*

Professor Charles Ogletree of Harvard Law School moderates a panel discussion in which he acts the part of John Barnes, a business executive who has just killed his lover. The panel participants role-play and reflect on their responses as Barnes seeks advice. Panelists include U.S. Supreme Court Justice Antonin Scalia, New York University Law School Professor Stephen Gillers, Assistant U.S. Attorney Leah Sims, defense attorney Jack Litman, and Yale philosopher John Smith.

For information, call (800) 532-7637.

#### D. CORNELL LAW SCHOOL

Professor Roger Cramton of Cornell Law School has developed a number of written case studies designed to integrate ethical issues into various substantive courses. Each case study begins with a richly detailed case or problem intended to focus class discussion. Supplementing each problem are about twenty-five pages of reading material designed to provide pertinent background on the law of lawyering applicable to the problem and on the institutional, social, and moral considerations that may bear on regulatory approaches or personal choices.

1. *Abruzzi, Representing a Partnership: Confidentiality and Loyalty Issues* (1995) (for business organizations or corporations courses).

2. *Baltes, Client Identity: Professional and Social Approaches to Confidentiality and Privilege* (1995) (for evidence courses).

3. *Carnival Cruise Lines*, Justice in the Law Office: Drafting Illegal, Unfair, or Unconscionable Contract Provisions (1995) (for contracts courses).

4. *Fisons Corp.*, Discovery Strategies and Abuses: The *Fisons* Case (1995) (for basic or advanced civil procedure courses).

5. *Balla*, The Ethics and Status of Corporate Counsel: Confidentiality, Whistleblowing and Wrongful Discharge (1995) (for labor law or employment law courses).

6. *Haines*, Investigating an Organization's Internal Problems: Fairness and Confidentiality Issues (1995) (for corporations or securities regulation courses).

7. *Hubert*, Joint Representation of Husband and Wife in Estate Planning: Confidentiality and Loyalty in Tension (1995) (for trusts and estates or property courses).

8. *ACC/Lincoln (Jones, Day)*, Corporation Representation and Management Wrongdoing: The *Jones, Day* Case (1995) (for corporations or securities regulation courses).

9. *Petrillo*, Preventing or Rectifying Client Fraud: The *Petrillo* Case (1995) (for contracts or property courses, or other courses involving transactional practice).

10. *Virzi*, Deception and Candor in the Negotiation of Settlements: The *Virzi* Case (1995) (for torts, civil procedure, or insurance courses).

11. *Fostering Falsity: The Criminal Defense Lawyer's Role? Situation 1: The Truthful Witness* (1996) (for criminal courses).

For information, contact Professor Roger Cramton, Cornell Law School, Myron Taylor Hall, Ithaca, NY 14853, (607) 255-5251.

#### E. COURTROOM TELEVISION NETWORK

This 120-minute videotape—entitled “Iowa v. Morgan: Evidence Suppressed, Justice Denied?” (1991)—was produced by Dave Parks and narrated by Greg Jared. It portrays scenes from a criminal murder trial. The central issue involves the suppression of evidence gathered in violation of the Fourth and Fifth Amendments.

For information, contact Courtroom Television Network, 600 3rd Avenue, New York, NY 10016, (212) 973-2800.

#### F. GEORGETOWN UNIVERSITY LAW CENTER

1. Michael Kelly and Kathy Lovill, Teacher's Notes to *The Verdict* and *Anatomy of a Murder*.

These notes, prepared at the University of Maryland Law School by Professor Michael Kelly and Kathy Lovill, provide discussion questions regarding various methods of counseling criminal defendants.

2. Michael Kelly, Teacher's Discussion Guide to *Rita's Case* (1988).

This guide suggests a discussion format for the hypothetical case study published by the Program on the Legal Profession at Harvard Law School. The case study raises issues of lawyer paternalism, confidentiality and disclosure obligations, conflicts of interests, and concerns of unrepresented third parties.

3. Michael Kelly, *A Client With a Secret* (1986).

The materials include three memoranda regarding a confidentiality case, and a teacher's guide. The confidentiality case arose out of the AIDS clinic at the University of Maryland School of Law. The client is a 27-year-old HIV-positive woman who wants a divorce from her abusive husband and custody of her children. She is unsure how she contracted AIDS and refuses to tell her husband because she fears loss of custody and domestic violence. The case poses dilemmas of confidentiality, advocacy, and lawyers' responsibilities to unrepresented children.

For information on the following materials, contact Professor Michael Kelly, Georgetown University Law Center, 600 New Jersey Avenue, N.W., Washington, D.C. 20001, (202) 687-1190.

G. GEORGIA CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

1. Orientations on Professionalism (1993).

The Chief Justice's Commission on Professionalism and the Committee on Professionalism of the State Bar of Georgia developed a law school orientation program on professionalism. This booklet includes a description of the program, as well as agendas, ethics problems, student and faculty instructions, and student evaluations of the program.

For information, call (404) 527-8793.

2. Perspectives on Lawyer Professionalism (1993).

This 98-minute videotape consists of nine short segments featuring leading Georgia lawyers who are familiar with the practice of law in private law firms. Professor David Oedel of Mercer Law School directed the series. It comes with teaching notes designed to facilitate class discussion. The videotape includes the following segments:

a. *Deciding to Become a Lawyer* (5 minutes). Commentators respond to questions about why they entered the legal profession, why they believe people are attracted to the legal profession, and whether they would recommend a legal career to others close to them.

b. *Public Perceptions of Lawyers* (5 minutes). Commentators offer their views on whether the public perception of the legal profession is unusually negative and, if so, whether that perception is a cause for concern.

c. *Law as Business* (13 minutes). Commentators discuss the characteristics that professions and businesses share, and the characteristics that distinguish them.

d. *Clients* (12 minutes). Commentators offer their views on how attorneys should relate to their clients. Central issues include communication and trust between lawyers and clients, the relative importance of keeping clients satisfied, and clients' ability to get "good value" from their law firms.

e. *Service* (15 minutes). Commentators discuss whether a desire to serve clients and the public genuinely drives lawyers' conduct, and, if so, how well lawyers are following through on that desire.

f. *Discovery* (12 minutes). Commentators discuss the financial incentives for extensive discovery and its function as a strategy for harassment.

g. *Civility* (12 minutes). Commentators offer their views on whether lawyering has become too "hard-nosed" and, if so, whether that makes any significant difference to clients and the public.

h. *Quality of Life* (24 minutes). Commentators consider whether high turnover in law firms indicates a problem of "lawyer burnout" and how lawyers can find satisfaction in contemporary legal practice.

i. *Gender* (12 minutes). Commentators discuss the differences gender has made on their experience in legal practice. Principal issues include sex-based discrimination, the lack of workplace flexibility concerning family responsibilities, and relations between male and female lawyers.

For information, call (404) 527-8793.

### 3. The Case of the Silent Alarm: GT Construction Company, Inc. v. The Sentry Company, Inc. (1994).

This 31-minute videotape, which is accompanied by study materials and a teacher's manual, was written by Professor Roy Sobelson of Georgia State University College of the Law. It portrays seven scenes from a civil claim against a security company because the company's alarm system did not function during a burglary of a business. The scenes involve interviews between the parties and their respective lawyers, discussions among the lawyers for both sides, and negotiations between the plaintiff's and defendant's lawyers. Attorneys must decide how to handle client perjury, whether to take advantage of opposing counsel's mistakes, and what litigation and negotiation strategies to employ. The study materials include a brief explanation of the scenes, excerpts from relevant codes, rules, and cases, and a transcript of the videotape. The teacher's manual includes a summary of the issues raised by each scene and an outline for discussion.

For information, call (404) 527-8793.

### 4. Rita's Case: The Lawyer as Problem Solver (1993).

The 54-minute videotape is narrated by Hulett Askew, Director of the Georgia Chief Justice's Commission on Professionalism and Director of Bar Admissions. The videotape is based on a Harvard Law School case study of two legal-service lawyers' efforts to help a woman retain custody of her

grandchild, Rita. The grandmother is involved in a dispute with the Department of Family and Children Services over the care of the child. These lawyers skillfully manipulate foster care and welfare systems to facilitate the child's adoption by her grandmother despite problems with that placement. Issues include lawyer paternalism, confidentiality and disclosure obligations, conflicts of interests, and concerns of unrepresented third parties. Viewers are asked to evaluate the lawyers' problem-solving abilities and ethical responsibilities. Professor Jack Sammons of Mercer Law School prepared the accompanying teacher's manual. It includes discussion suggestions, background materials, suggested handouts for students, and a transcript of the videotape.

For information, contact Professor Sammons, Mercer Law School, 1021 Georgia Avenue, Macon, GA 31201-6709, (912) 752-2323.

5. Ethics and Professionalism in the Pretrial Stages of Criminal Prosecution and Defense: The Case of the Blue Lagoon Nightclub (1993).

Professor Timothy Terrell of Emory University School of Law narrates this 23-minute videotape, which involves seven scenes from pretrial stages of a criminal drug prosecution. The videotape focuses on three main time periods: early stages of the case when defense and prosecution lawyers are acting independently; later stages when opposing lawyers must confront each other directly; and stages close to trial when issues of honesty in negotiations often arise. The scenes raise issues of conflict of interest, confidentiality, client perjury, use of the press, and candor in negotiations.

The instructor's manual, compiled by Professor Timothy Terrell, includes summaries of these ethical issues, discussion notes, and a transcript of the videotape.

For information, contact Hulett Askew or Sally Lockwood at (404) 527-8793.

6. The Challenges of In-House Counsel at Homewares Corporation, USA (1995).

This 33-minute videotape focuses on the problems faced by in-house counsel. Six scenes address corporate governance, billing, case management, sexual harassment, and "smoking gun" information.

For information, call (404) 527-8793.

#### H. HARVARD LAW SCHOOL PROGRAM ON THE LEGAL PROFESSION

*Rita's Case: Legal Services and Family Law* (1982): This hypothetical case study involves two Legal Aid attorneys who worked to help their client adopt her granddaughter, Rita, over the initial objection of the Department of Public Welfare. The case raises fundamental questions about lawyers' roles and the legal process. Ethical issues include lawyer paternalism, confidentiality and disclosure obligations, conflicts of interests, and concerns of unrepresented third parties.



For information, contact Professor David Wilkins, Harvard University Law School, 1575 Massachusetts Ave., Hauser Hall #312, Cambridge, MA 02138, (617) 495-0958.

#### I. INSTRUCTIONAL RESOURCES CENTER, ATHENS, GA

*The Media and The Law* (1995): This videotape, moderated by NYU School of Law Professor Stephen Gillers, features a roundtable discussion of ethical questions confronting lawyers, judges, and the media when the interests of a free press conflict with the right to a fair trial.

For information, contact The Instructional Resources Center, Office of Instructional Development, The University of Georgia, Athens, GA, 30602.

#### J. INSIDE THE LAW

*What's Wrong with the Adversarial system?* (1995): This videotape, hosted by Chief Counsel to the New York Senate Committee on Investigations, Rachel Gordon, discusses questions such as whether the criminal justice system is the best means to pursue truth, whether adversarial norms encourage lawyers to push the ethical limits in client representation, and whether alternative approaches might have an advantage over the adversarial system.

For information, contact Inside the Law at (212) 858-9147.

#### K. LOYOLA LAW SCHOOL, LOS ANGELES

The *Professional Responsibility in Practice* videotape series, produced in 1993, consists of two videotapes and an accompanying teacher's manual. The teacher's manual includes the transcript of each videotape, together with a discussion of the ethical issues raised in each scene. The project, funded by a Keck Foundation grant, was directed by Professor Michael E. Wolfson.

##### 1. State vs. One Late Model Automobile.

This 44-minute videotape portrays a criminal case in which a teenage high school athlete is charged with possession of a controlled substance (illegal steroids). His father's car is also seized under the state's forfeiture laws. The father asks his business lawyer to handle the matter. The prosecutor, under pressure to do something about illegal steroids, sees the case as a way to obtain critical information about drug dealers; he wants the defendant to reveal information about those who supplied the steroids in exchange for a plea bargain. The father, a prominent businessman, sees the case as a threat to his son's future, to his family's reputation, and to his company's financial status. Central issues include conflicts of interest, confidentiality, the boundaries of zealous advocacy, and ethical responsibilities of prosecutors.

##### 2. The Resort Investment.

This 34-minute videotape portrays a civil case in which three individuals consult a lawyer about a proposed business deal. The three intend to buy a

seaside hotel and turn it into a popular resort. The lawyer suggests that they create a small, closely held corporation for the purpose of purchasing and operating the hotel. After the corporation is formed, a guest drowns and a lawsuit follows. Due to an apparent oversight by the resident manager, there is no insurance coverage for the accident; the resort is therefore in jeopardy. The videotape reviews the ethical implications of various litigation tactics, including disqualification motions.

For information, contact Professor Michael E. Wolfson, Loyola Law School, 1441 Olympic Boulevard, P.O. Box 15019, Los Angeles, CA 90015, (213) 736-1132.

#### L. CARRIE MENKEL-MEADOW

*Lawyers and the Legal Profession* (Supp. 1991) (with Professor Murray Schwartz): These twenty role-plays were developed for Professional Responsibility courses and for other substantive classes in order to permit simulation of ethics decisionmaking.

For information, contact Professor Carrie Menkel-Meadow, Georgetown University Law Center, 600 New Jersey Avenue N.W., Washington, D.C. 20001, (202) 662-9379.

#### M. THOMAS B. METZLOFF

*Professional Responsibility Anthology* (1994): The articles in this collection concentrate on ethical issues raised in the context of civil litigation.

For information, contact Professor Thomas Metzloff, Duke University School of Law, Box 90360, Durham, NC 27708, (919) 613-7055.

#### N. NEW YORK UNIVERSITY SCHOOL OF LAW

Professor Stephen Gillers of New York University School of Law directed the following two series of short vignettes. A teacher's guide is available with summaries of the ethical issues raised by each vignette, together with discussion questions.

##### 1. *Adventures in Legal Ethics* (1992).

*a. Karen Horowitz and J. Blair Thomas.* Horowitz's firm decides not to let her participate in the trial of a multimillion dollar case, despite her extensive work on the litigation. Thomas, the senior partner, explains that the "demographics" of the county of the southern state where the trial will occur makes it likely that the jurors and the judge will be biased against a female Jewish lawyer. Horowitz complains that she is the victim of gender and religious discrimination, and Thomas responds by invoking obligations to the client.

*b. Anita Eng and Casper Voll.* Eng, owner of a Burger Queen franchise, retained Voll to help her negotiate with Burger Queen for the right to sell beer in order to compete with a new Taco Rico that opened across the way.

Eventually, but reluctantly, Eng agreed to a negotiated settlement that did not give her nearly all that she wanted. Later she discovers facts suggesting various conflicts of interest for Voll's firm.

c. *Pinnocchio's Lawyer*. A small-time personal injury lawyer asks advice based on a situation in which his client consciously misled a questioner at a deposition but arguably did not lie. The client has produced the prescription glasses that he was in fact wearing at the time of the accident but has failed to mention that they belong to his son and are too weak for his vision.

d. *Mary Cahn and Edgar Danforth*. This vignette raises numerous issues in the context of criminal representation: the use of a witness who believes that she is telling the truth but whom the lawyer knows is wrong; the propriety of advice to destroy incriminating documents; the continued representation of a client who has destroyed evidence; and the appropriateness of advising a client to assist a witness-employee to move outside the jurisdiction.

e. *Daphne Berger*. This vignette involves a low-level lawyer at a large drug company who learns that the company may be about to market a new tampon despite some inconclusive evidence that it causes toxic-shock syndrome. She asks the viewers' advice. Especially pertinent is Daphne's economic vulnerability because she is a single mother, and is concerned about providing an excuse for her supervisors to terminate her employment.

f. *The Senior Partner*. This vignette raises issues about lawyer substance abuse and privacy. A senior partner has received comments about a new associate who does work for a large underwriting client. The comments run from observations that she dresses provocatively and acts flirtatiously to statements that she was seen in the office on weekends looking "totally stoned" and outside the office with friends who appear "freaky." Her work is good and no one has complained, but future mistakes could be costly. When the senior partner tried to discuss these issues, the associate responded that her private life was none of his business. He asks the viewer, "What do I do now?"

g. *Felicia Carlisle, Samantha Kelsey, and Ben Butler*. This vignette raises many ethical issues in the context of a divorce negotiation, including the concealment of information, client perjury, the use of a custody demand as a negotiating tactic, the threat to reveal criminal conduct or other confidential information to gain bargaining leverage, and the failure to call a drafting error to the opposing lawyer's attention.

h. *Jane Loring-Kraft and Frank Lester*. This vignette raises issues of conflicts between work and family in the legal profession and of "glass ceilings" for women. Loring-Kraft is a sixth-year associate and the mother of two young daughters. She has tried unsuccessfully to get her law firm to make adjustments in its work demands. After declining two out-of-town assignments, Loring-Kraft finds that her career is slipping away. Frank Lester defends the firm's position. He argues that Loring-Kraft made a choice when she decided to become a litigator at a large law firm and that she now has to live with it.

i. *Alexa Johnston and Leonard Newman*. Newman is a partner with a reputation as a premier securities litigator, and Johnston is an associate at the same firm. Johnston, who wants to specialize in securities, had been working with Leonard for some time before he expressed a romantic interest. After Johnston rejected Leonard's advances, she no longer received interesting assignments. Newman claims that he does not feel comfortable working with Johnston but that his feelings might change.

2. Further Adventures in Legal Ethics (1993).

a. *Arsenic and Ethics*. This vignette takes place in a courtroom, and involves direct, cross, and redirect examinations of the defendant Sonya Vachel. She is a former in-house lawyer for Trover Software, the plaintiff, which is charging that she revealed confidential information. Vachel is counterclaiming for retaliatory discharge. The case arose when Vachel discovered that the groundwater under Trover's headquarters might contain arsenic and benzene. A new state law requires that anyone "possessing information that arsenic or benzene have been released to the environment" shall inform the state within 30 days. After the CEO of the company told Vachel that the Board had decided not to reveal the possible chemicals, Vachel disclosed the information.

b. *In the Matter of Neal Morgan, Esq.* This vignette involves a seasoned criminal defense lawyer, Morgan, who is defending a case in which the prosecutor, Rose Connor, is trying her first homicide. During the trial in the presence of the judge and jury, Morgan refers to Connor only as "she" or "her," while referring to everyone else in the room by their name or title. Connor's protests to the judge fail to stop Morgan's behavior. Outside the presence of judge and jury, Morgan also comments on Connor's physical appearance and dress. After the trial ends, Connor files a disciplinary complaint against Morgan. On the videotape, she testifies on direct, cross, and redirect examinations.

c. *Motion to Recuse*. This vignette concerns a Title VII class action in which the lawyer for the named plaintiff has moved to recuse the district judge. The complaint alleges discrimination by the defendant corporation based on national origin. The plaintiff is an American of Japanese ancestry, and the judge is a member of a private beach club in his residential community. The club has never had a non-Caucasian member, and recently the club voted against amending its bylaws to allow residents of a largely Japanese-American neighboring community to join. The judge opposed the amendment. Additionally, the defendant company has often employed the judge's former law firm, although not in this particular case. This vignette requires students to work through ethical provisions of the Judicial Conduct Code.

d. *Management Committee Meeting*. This vignette involves three members of a firm management committee who meet to discuss what to do under the following circumstances: A new general counsel of a client of twenty years has requested backup information on billing. Investigation reveals that the partner

in charge of the matter is at best a sloppy biller, and at worst, is guilty of padding his requests and charging for luxury travel. The management committee has to decide what to do about the partner and all clients who may have been overcharged.

e. *First Client Interview*. This vignette involves Korvach, a sophisticated Wall Street stock trader. He is under investigation by the federal government and has received a grand jury subpoena. The vignette shows the first interview between Korvach and Moore, a famous white collar criminal defense lawyer. Throughout the interview, Moore studiously tries to avoid learning too much about Korvach's side of the case, though Korvach wants to tell "my story."

f. *Plea Negotiation*. This vignette deals with negotiations between Wright, an assistant district attorney, and Shorter, a criminal defense lawyer, over a possible plea bargain to an assault charge. The crime involves a schoolyard assault of a seventeen-year-old. There is significant evidence of guilt, and the defendant, Winslow, has prior convictions and cannot testify. However, a passerby named Meyer will testify that Winslow did not do it. The prosecutor reveals to Shorter that she has a "rap sheet" showing that Meyer was convicted of a misdemeanor for lying on a credit application; she threatens to use the evidence to impeach the defense witness. She also plans to inform Meyer of this evidence before he gives testimony, which may cause Meyer to become uncooperative with the defense.

For information on either videotape described below, contact Professor Stephen Gillers, New York University School of Law, 40 Washington Square South, New York, NY 10012, (212) 998-6264.

#### O. NORTHWESTERN UNIVERSITY SCHOOL OF LAW, NATIONAL INSTITUTE OF TRIAL ADVOCACY

Robert P. Burns and others working under a Keck Foundation grant developed *Exercises and Problems in Professional Responsibility* (Nat'l Inst. of Trial Advocacy ed., 1994) and the associated teacher's manual. *Exercises and Problems* contains materials designed for learning professional responsibility through the simulation method. Each major area of professional responsibility is the subject of an exercise that requires students to perform important lawyering tasks. These tasks include interviewing witnesses, counseling clients, negotiating settlements, and conducting the direct and cross-examination of witnesses. The student performances are usually the subject of disciplinary hearings in which other students, acting as prosecutors and defense counsel, argue the propriety of decisions made by the student lawyers. *Exercises and Problems* draws on two case files, one criminal (*State v. Mitchell*) and the other civil (*MacIntyre v. Easterfield*). The teacher's manual consists of witness scripts and teaching notes.

For information, contact Professor Robert P. Burns, Northwestern University School of Law, 357 East Chicago Avenue, Chicago, IL 60611, (312)503-6613.

#### P. PUBLIC BROADCASTING

**Ethics on Trial (WETA-TV, Washington, D.C., 1986):** This documentary uses a *60 Minutes*-type format with Fred Graham as host-commentator. The videotape has three segments: *The Criminal Defense Lawyer*; *Access to Legal Services*; and *Regulating Lawyers*.

*The Criminal Defense Lawyer* explores why lawyers consistently rank at the bottom of public opinion polls. The narrator proposes two main answers. First, ethical rules are too often geared toward protecting the status and wealth of lawyers rather than the rights of the public. Second, most individuals are not knowledgeable about lawyers' professional role and ethical responsibilities. This segment focuses on two illustrative stories. The first story involves the celebrated "buried bodies" case involving an accused killer Robert Garrow and his defense lawyers Frank Armani and Francis Belge. Armani and Belge failed to reveal the fact that Garrow had confessed to the killing of two missing teenagers and that they themselves had seen the bodies. The videotape includes interviews with Armani, local prosecutors, and the relatives of the victims. The second story focuses on criticisms of defense lawyers who handle drug smuggling charges. Several lawyers who specialize in such cases present their views. The videotape also focuses on efforts within the Department of Justice to deny attorney's fees to lawyers who are paid with "tainted" money.

*Access to Legal Services* explores two responses to the problems of legal access for people who cannot afford attorneys. The first story focuses on El Paso's adoption of pro bono requirements. Attorneys on both sides of the issue discuss whether pro bono work should be mandatory. The second story reviews controversies concerning lawyer advertising. Experts include former Chief Justice Warren Burger, who argues that advertising debases the profession. Supporters maintain that advertising increases competition and results in more affordable legal services.

*Regulating Lawyers* presents a critique of bar disciplinary systems. The central story focuses on efforts in California to shift control of lawyer discipline boards from the bar to the public. Legal scholars and victims of unethical conduct present their views.

For information, contact WETA, P.O. Box 2626, Washington, D.C. 20013.

#### Q. DEBORAH L. RHODE

**Professional Responsibility: Ethics by the Pervasive Method (1994).** This book addresses core concepts in professional responsibility, and provides materials for integrating such issues into basic first-year and advanced courses. Chapters on core concepts include the traditions of moral reasoning, regulation of the profession, advocacy, the adversary system, confidentiality and client counseling, conflicts of interest, negotiation and mediation, and the lawyer-client relationship. Chapters covering substantive fields include civil procedure, constitutional law, contracts, corporate law, criminal law and procedure, evidence and trial advocacy, family law, property, tax, and torts.

Permission to reprint particular sections at nominal charge is available from Betsy Kenny, Law Book Division, Little, Brown & Co., (617) 859-5683.

#### R. SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

**Deal Makers or Deal Breakers: An Inside Look at Lawyers Confronting Conflict of Interest (1991).** In this 35-minute videotape, Professor Walter Steele narrates a case study of a lawyer at a large law firm who was convicted of facilitating numerous illegal transactions for a client. Central issues include conflicts of interest, accountability for decisionmaking, the relative importance of pleasing clients, and ethical responsibilities in law firms.

For information, contact Professor Walter Steele, Southern Methodist University School of Law, Storey Hall, 3315 Daniel Avenue, Dallas, TX 75275-0116, (214) 768-2599.

#### S. UNIVERSITY OF PENNSYLVANIA LAW SCHOOL CENTER ON PROFESSIONALISM

1. Douglas N. Frenkel, *Who's In Charge? The Lawyer as Counselor: Process and Ethical Dimensions (1989).*

This 20-minute videotape presents excerpts of a counseling session involving a Philadelphia lawyer and his client in a personal injury suit. The litigation, based on an actual Philadelphia case, involves claims arising from a miscarriage suffered by the plaintiff that were allegedly the result of being barraged by a finance company's unlawful collection threats. The lawyer has called a meeting to discuss a final pretrial settlement offer that appears advantageous to the client but not the lawyer. The videotape raises a range of themes relating to client autonomy, lawyer-client conflicts of interest, and gender-based paternalism.

For information, contact Professor Douglas N. Frenkel, University of Pennsylvania, 3400 Chestnut Street, Philadelphia, PA 19104, (215) 898-8427.

2. *Professional Responsibility for Lawyers: A Guided Course series (1989-1991).*

This is a series of five programs, each consisting of a videotape, discussion leader's guide, case study, and study materials. The videotapes range between 12 and 30 minutes.

a. *Conflicts and Confidentiality: Trouble at Upper Black Eddy (1991).* A lawyer's friend and former client entrusts the lawyer with confidential information that may be adverse to a new and important client. This new client is about to dump industrial waste illegally on property bordering a major river. The lawyer cannot stop the dumping without betraying his friend and disclosing confidences.

b. *Representing the Corporate Client: The Saga of Albinex (1990).* The FDA approves a new drug designed for insulin-dependent diabetics. As rumors surface of the drug's potential unreported side effects, the pharmaceutical

company's law firm sends an associate to conduct an internal corporate inquiry. That inquiry raises questions of disclosure obligations and the scope of the corporate privilege, as well as problems for subordinate lawyers when they disagree with a senior attorney's ethical judgment.

c. *Conflicts of Interest in Corporate Transactions: The Leveraged Buyout of the Harris Chemical Company (1989)*. This case examines the relationship between various corporate officials and their lawyers in connection with a management buyout. The primary lawyer for the transaction becomes entangled in conflicts of interest while trying to maintain the confidentiality of the several parties he is serving.

d. *Professional Responsibility in Pretrial Litigation: The Morgantown Civic Center Collapse (1990)*. Personal injury actions are filed against multiple defendants following the collapse of a building mezzanine. Central issues involve abuse of the discovery process, document destruction, and client perjury.

e. *Counseling and Negotiation: The Settlement of Lancer v. American Steel (1991)*. The plaintiff, Robin Lancer, is a young gymnast who was hurt in a building collapse. Lancer's attorney counsels against accepting the defendant's settlement offer. The defendant's lawyer learns crucial information about Lancer's injury from his expert physician that the lawyer does not reveal in settlement negotiations. Because the settlement involves a minor, court approval is required, and the defense lawyer must decide how candid to be in his presentation.

For information, call (800) 253-6397, extension 1650.

### 3. In Jason's Best Interests: The Responsibility of Lawyers in Custody Disputes (1996).

This videotape, course materials, and teacher's guide combines substantive family law issues with ethical questions. For information, contact The Center on Professionalism at (215)898-2341.

## T. WAKE FOREST UNIVERSITY SCHOOL OF LAW

Professor Joel Newman produced an untitled videotape, consisting of three skits regarding professional responsibility issues that arise in tax practice.

Skit 1 (15 minutes): A client asks for legal advice concerning an employment severance package that is contingent on her releasing the employer from any liability. Ethical issues include the lawyer's discussion of tax loopholes and lack of respect for client autonomy.

Skit 2 (12 minutes): The client failed to pay personal or business taxes for several years. The lawyer suggests various tax loopholes, and the client adjusts the facts to fit these suggestions.

Skit 3 (7:30 minutes): An obviously ill older man and his young fiancée meet with a tax lawyer to discuss a prenuptial agreement and a large monetary gift that the client wishes to give his fiancée. The lawyer fails to address the



fiancée's obvious manipulation of her partner or to raise issues regarding conflicts of interest.

For information, contact Professor Joel Newman, Wake Forest University School of Law, Worrell Professional Center for Law and Management, Room 2312, P.O. Box 7206, Winston-Salem, NC 27109-7206, (910) 759-5712.

#### U. WEIL PRODUCTION

*What Went Wrong? Conversations With Disciplined Lawyers* (Lawrence Dubin 1985): This documentary, produced and directed by Professor Lawrence Dubin, is about lawyers who have been disciplined for acts of professional misconduct. Through in-depth interviews, four Michigan lawyers recount the events leading to disciplinary action. Their misconduct includes forgery, neglect, and failure to file claims within a statute of limitations. The lawyers also discuss legal education, substance abuse, and their views on the disciplinary process.

For information, contact Weil Productions, 380 Wimbledon Road, Birmingham, MI 48008, (313) 642-5636.

### III

#### LAW SCHOOL COURSE MATERIALS

##### A. BOSTON UNIVERSITY SCHOOL OF LAW

Under a Keck Foundation grant, Professors Susan Koniak and Geoffrey Hazard (Yale Law School) developed course materials and teaching notes for five subjects: property, contracts, torts, intellectual property, and corporations. Each set of course materials includes a series of cases and questions, selected Model Rules of Professional Conduct, and other background material. The teaching notes summarize the ethical issues presented by each case and provide suggestions for facilitating discussion.

For information, contact Professor Susan Koniak, Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215, (617) 353-3136, or Professor Geoffrey Hazard, Yale Law School, 127 Wall Street, P.O. Box 208215, Yale Station, New Haven, CT 06520, (203) 432-4992.

##### B. CASE WESTERN RESERVE UNIVERSITY LAW SCHOOL

*Peter Joy, Professional Responsibility Problems* (1991): These problem sets are designed for first-year courses in the following subjects: civil procedure, conflicts resolution, constitutional law, contracts, criminal law, property, research and writing, and torts. Each problem set includes materials for students as well as teaching notes for the professor.

For information, contact Professor Peter Joy, Case Western Reserve University Law School, 11705 East Boulevard, Cleveland, OH 44106, (216) 368-2769.

### C. COLUMBIA UNIVERSITY SCHOOL OF LAW

James S. Liebman, *The Profession of Law* (Fall 1993, 1994): These course materials, consisting of readings, videotapes, and accompanying documents, were developed under a Keck Foundation grant. The course explores legal ethics and professional self-regulation through experiential learning. Students also read a short set of articles that present competing views of the lawyer's role and responsibilities. The experiential learning consists of the three following simulation exercises.

#### 1. Devon Leasing Corporation Simulation (documents).

Students assume the role of young lawyers in a large New York law firm who confront ethical questions in connection with a corporate transaction. The scenario and discussion are structured around goals and incentives of the sort often modeled in game theory. Through in-role discussions led by a faculty member and an invited law firm attorney, students make a series of written decisions as the facts of the case unfold for simulated consideration and decision.

#### 2. *State v. Quiñones* (documents and 38-minute videotape).

Documents include student and faculty instructions and a transcript of the videotape. The videotape shows two main scenes from a criminal prosecution charging Quiñones with selling drugs and killing a police officer. The first scene takes place in a Georgia county jail where Quiñones meets with the public defender handling his case. The main ethical issues involve the possibility of client perjury and the proper method of counseling easily manipulated clients. Following this interview are three alternative approaches that the public defender could follow. The second scene occurs eight months later in a Georgia state prison. Quiñones has been convicted and sentenced to death, and has decided that he does not want to appeal his conviction. The ethical issues include lawyers' paternalism and respect for client autonomy, and the role of the public defender's own political and moral values in representing clients. Following this interview are three alternative endings to the meeting.

#### 3. *The Travis Divorce* (documents and 41-minute videotape).

Documents include student and faculty instructions, fact sheets prepared by the divorcing parties, a reference service abstract of matrimonial law, and a transcript of the videotape. The videotape consists of four scenes involving a divorcing couple: a discussion between a senior partner and an associate representing the wife; an interview between the wife and her lawyer; a discussion between a senior partner and the associate representing the husband; and an interview between the husband and his lawyer. Both scenes between the senior partners and the associates raise issues of adequate representation and conflicts of interest. Both interviews between the associates and the divorcing parties raise ethical issues such as confidential communications, proper

negotiating strategies, responsibilities concerning unrepresented children, and disclosure of marital assets.

For information, contact Professor Carol B. Liebman, Columbia University School of Law, 435 West 116 Street, New York, NY 10027, (212) 854-8557

#### D. LOYOLA UNIVERSITY SCHOOL OF LAW, CHICAGO

William T. Braithewaite, *Readings on Professional Responsibility* (Fall 1994): The materials include syllabi for two class sections, which center on the lawyer's duty to tell the truth. More specifically, one section focuses on lawyers' responsibilities when their clients commit perjury. The other section focuses on the morality of impeaching a truthful witness. The principal readings for both sections are the works of Immanuel Kant, supplemented by cases, statutes, rules, and law review articles.

For information, contact Professor William T. Braithewaite, Loyola University School of Law, Chicago, One East Pearson St., Chicago, IL 60611, (312) 915-7148.

#### E. ST. LOUIS UNIVERSITY SCHOOL OF LAW

Thomas Devine Program on Ethics for Entering Law Students (1994): The materials, which include a problem set and discussion leader's notes, focus on three ethical problems. The first problem, "The Tennis Tournament," explores the problem of role-differentiated ethics in a nonlegal context. The leader of a tennis team must decide whether to take advantage of the other team leader's lack of knowledge and thereby obtain a victory through rules governing defaults. The second problem, "Winning," examines similar ethical issues in the context of the adversary system. In this problem, an accident victim wins a personal injury suit through a default judgment because the opposing side's lawyer filed a late answer. The third problem, "Taking Care of Business," consists of excerpts from three depositions of tobacco-industry executives in connection with a class-action lawsuit involving cancer-related deaths.

For information, contact St. Louis University School of Law, 3700 Lindell Boulevard, St. Louis, MO 63108, (314) 658-3966.

#### F. ST. THOMAS UNIVERSITY SCHOOL OF LAW

Jay Silver, *Moral Dilemmas in the Practice of Law* (Spring 1994): The course examines a series of dilemmas through readings and classroom exercises. The central issues include cross-examination of rape victims, the lawyer's role concerning a client's extra-legal problems, client perjury, impeachment of truthful witnesses, representation of guilty clients, interviewing criminal defendants, and corporate counsel's responsibilities to various constituent groups. The materials include a course syllabus and a simulation exercise in which students role play an initial meeting between a criminal defense attorney and her client.

For information, contact Professor Jay Silver, St. Thomas University School of Law, 16400 N.W. 32nd Avenue, Miami, FL 33054, (305) 623-2318.

#### G. STANFORD LAW SCHOOL

George Fisher, *Prosecutorial Ethics* (1994): Central topics include conflicts of interest, professional discipline and prosecution, charging discretion, use of evidence, pre-trial publicity, peremptory challenges, plea-bargaining, and sentencing recommendations. Readings for the course include cases, selected rules and standards, and law review articles.

For information, contact Professor George Fisher, Stanford Law School, Crown Quadrangle, Stanford, CA 94305, (415) 723-2578.

#### H. UNIVERSITY OF CALIFORNIA AT BERKELEY SCHOOL OF LAW (BOALT HALL)

Carolyn Blum and Laurent Mayali, *Humanizing Law Images of Lawyers in 20th Century Cinema* (Spring 1993): Professors Carolyn Blum and Laurent Mayali developed these materials under a Keck Foundation grant. Films studied include *The Verdict*, *A Few Good Men*, *Class Action*, *Kramer vs. Kramer*, *And Justice for All*, and *The Accused*. Supplementing the study of each film are relevant rules and codes of professional responsibility (ABA, Model Rules, state rules), law review and magazine articles, book excerpts, and cases.

For information, contact Professors Carolyn Blum or Laurent Mayali, University of California at Berkeley School of Law, Boalt Hall, Berkeley CA 94720, (510) 642-5980 (Blum) or (510) 642-2327 (Mayali).

#### I. UNIVERSITY OF CALIFORNIA AT LOS ANGELES SCHOOL OF LAW

Working under a Keck Foundation grant, a group of professors developed problems and case studies to integrate ethical issues in various substantive courses. Most of the exercises are supplemented with background materials and teaching notes.

##### 1. Alternative Dispute Resolution, Legal History, and Professional Responsibility.

Professor Clyde Spillenger's materials include background information and a transcript of an interview between Louis Brandeis and his clients regarding a complex business transaction. The interview raises issues of lawyer "inter-mediation" between clients and conflicts of interests.

##### 2. Business Associations and Securities Regulation.

Professor George Brown's exercise consists of a study of *Lincoln Savings and Loan* and related cases to discuss the role of lawyers, accountants, and other professionals in aiding and abetting corporate and securities fraud.

### 3. Representation of Children.

An exercise by Professor Robert Goldstein uses legal, ethical, and psychoanalytic materials to explore issues arising in attorneys' representation of children.

### 4. Civil Procedure.

Professor Stephen Yeazell has completely revised Chapter 1, "An Overview of Procedure," of STEPHEN YEAZELL ET AL., CIVIL PROCEDURE (1992). The revisions introduce ethical issues into the summary of elements of civil procedure.

### 5. Contracts.

Professor Dan Bussell has created a complex hypothetical exploring conflicts of interests in law firm representation of multiple clients in a business deal. Professors Arthur Rosett and Dan Bussell have also authored a general discussion designed for a first-year course on professional life in a large law firm.

### 6. Public Interest Practice.

Professor Gary Blasi uses a simulated problem from a clinical public interest policy course. The class convenes as a committee and students are assigned specific roles for a discussion of triaging priorities in housing litigation. Professor Joel Handler presents the ethical dilemmas that confront a student working on a bilingual-education class action suit. The case involves potentially competing interests among parents of African-American, Asian-American, Latino, and special needs students.

### 7. Tax.

Professor Michael Asimow introduces a problem to be used in conjunction with *Rose v. Commissioner*, a case that disallowed tax benefits from certain tax shelters. Through role-plays and class discussion, students explore issues such as IRS ethical rules and disciplinary practices, law firm ethics and peer review processes, and civil liability. Professor Eric Zolt uses a problem consisting of a short hypothetical designed for introductory tax courses. The exercise raises some general ethical considerations as well as some unique to tax practice and substantive tax questions.

### 8. Torts.

Professor Alison Anderson uses a hypothetical case, designed for small group discussion, which raises issues of client counseling, settlement behavior, investigation and disclosure obligations, and internal law firm mentoring in torts litigation. Professor Rick Abel uses a products liability problem, with questions for class discussion, involving issues of attorney and corporate responsibility for defective products, duties to third parties, and litigation strategies. Professor Mark Grady uses a study of moral hazard and principal-agency problems in tort cases, including contingent fees and effective representation. Professor Fran Olsen uses an exercise consisting of a role-play of an attorney-client discussion about settlement of a personal injury action involving a child.

### 9. Wills and Trusts.

Professor William McGovern's materials consist of case notes and questions about two cases in which lawyers were disciplined for unethical conduct in drafting wills.

For information, contact the appropriate professor at University of California at Los Angeles School of Law, 405 Hilgard Avenue, Los Angeles, CA 90024, (310) 825-4841.

### J. UNIVERSITY OF HOUSTON LAW CENTER

John Mixon, *Personal and Professional Responsibility* (Spring 1995): These materials include an outline for a course taught by Professor John Mixon in Spring 1995. The course emphasizes personal morality as it relates to professional roles. Students spend the first month developing "learning groups" to provide a protected environment of trust for sharing information. Participants in group settings explore basic lifestyle and ethics paradigms. Students receive information about family and culture as the foundation for personal moral and ethical structures. During the second month, students learn about the Texas Disciplinary Rules, using practicing lawyers as resources. In the third month, students deal directly with lifestyle issues, including honesty, stress management, addictive behavior, and habits leading to personal and professional satisfaction. Assigned reading consists of Stephen R. Covey's *Seven Habits of Highly Effective People*, Deborah Rhode's *Professional Responsibility*, and selected other materials. Guest speakers and panels comprise a major component of classroom teaching.

For information, contact Professor John Mixon, University of Houston Law Center, 4800 Calhoun, Houston, TX 77204, (713) 743-2154.

### K. UNIVERSITY OF MAINE SCHOOL OF LAW

Melvyn Zarr, *The Lawmaking Powers of Prosecutors and Defense Counsel in the Criminal Process* (August 1994): The materials consist primarily of cases and newspaper articles for a criminal procedure course taught by Professor Melvyn Zarr in August 1994. The course focuses on the various decisions prosecutors and defense attorneys must make during a criminal trial. Central issues include charging discretion, plea-bargaining, jury selection, and selection of witnesses.

For information, contact Professor Melvyn Zarr, University of Maine School of Law, 246 Deering Avenue, Portland, ME 04102, (207) 780-4359.

### L. UNIVERSITY OF WISCONSIN LAW SCHOOL

Ralph Cagle, *Professional Responsibilities* (1994): The materials include a manual and simulation exercise from a course taught by Professor Ralph Cagle. The course manual includes a syllabus and a series of vignettes portraying ethical dilemmas that confront practicing lawyers. Students are required to answer questions pertaining to each vignette, drawing upon their own

experience, values, and knowledge of the rules of professional conduct. The simulation exercise, "Solving Conflicts of Interest Problems at Oliveri and Stans," asks students to assume the role of an associate at a law firm and to identify potential conflicts of interest among the law firm's new clients.

For information, contact Professor Ralph Cagle, University of Wisconsin Law School, 975 Bascom Mall, Madison, WI 53706, (608) 262-2240.

#### M. YALE LAW SCHOOL

Under a Keck Foundation grant, Professors Geoffrey Hazard and Susan Koniak (Boston University School of Law) developed course materials and teaching notes for five subjects: property, contracts, torts, intellectual property, and corporations. Each set of course materials includes a series of cases and questions, selected Model Rules of Professional Conduct, and other background material. The teaching notes summarize the ethical issues presented by each case, and provide suggestions for facilitating discussion.

For information, contact Professor Geoffrey Hazard, Yale Law School, 127 Wall Street, P.O. Box 208215, Yale Station, New Haven, CT 06520, (203) 432-4992, or Professor Susan Koniak, Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215, (617) 353-3136.

### IV

#### ETHICS MATERIALS BY SUBJECT MATTER

##### A. CIVIL PROCEDURE

Roger Cramton, Cornell Law School, *Fisons Corp.*, Discovery Strategies and Abuses: The *Fisons* Case (1995).

\_\_\_\_\_, *Virzi*, Deception and Candor in the Negotiation of Settlements: The *Virzi* Case (1995).

Fred W. Friendly, Truth and Justice: The Adversary System in Civil Litigation (Ethics in America videotape series, Columbia University Seminars on Media and Society 1989).

Peter Joy, Case Western Reserve University Law School, Professional Responsibility Problems (1991) (problem sets).

Thomas B. Metzloff, ed., Duke University School of Law, Professional Responsibility Anthology (1994).

Russell G. Pearce, Fordham University School of Law, Readings in Professional Responsibility: Public Interest Law (1996).

Deborah L. Rhode, Stanford Law School, Professional Responsibility: Ethics by the Pervasive Method (1994).

St. Louis University School of Law, Thomas Devine Program on Ethics for Entering Law Students (1994) (problem set and discussion leader's notes).

Stephen Yeazell et al., U.C.L.A. School of Law, Civil Procedure ch. 1 (1992).





- Mary C. Daly, Fordham University School of Law, *Readings in Professional Responsibility: Business and International Transactions* (1996).
- Deal Makers or Deal Breakers: An Inside Look at Lawyers Confronting Conflict of Interest* (Southern Methodist University School of Law 1991).
- Fred W. Friendly, *The Anatomy of a Corporate Takeover: Ethics on the Business Battlefield* (Ethics in America series, Columbia University Seminars on Media and Society 1989).
- Stephen Gillers, New York University School of Law, *Adventures in Legal Ethics* (1992) (relevant vignettes: *Anita Eng and Casper Voll; Daphne Berger; The Senior Partner; Jane Loring-Kraft and Frank Lester; Alexa Johnston and Leonard Newman*).
- \_\_\_\_\_, *Further Adventures in Legal Ethics* (1993) (relevant vignettes: *Arsenic and Ethics; and Management Committee Meeting*).
- Geoffrey Hazard and Susan Koniak, Yale Law School/Boston University School of Law, *Course Materials and Teaching Notes* (1995).
- James S. Liebman, Columbia University School of Law, *The Profession of Law (Devon Leasing Corp. Simulation)* (1993).
- Thomas Metzloff, ed., Duke University School of Law, *Professional Responsibility Anthology* (1994).
- Perspectives on Lawyer Professionalism* (Chief Justice's Commission on Professionalism 1993).
- Representing the Corporate Client: The Saga of Albinex* (Professional Responsibility for Lawyers: A Guided Course series, University of Pennsylvania Law School Center on Professionalism 1990).
- The Resort Investment*, (Professional Responsibility in Practice series, Loyola-L.A. Law School 1993).
- Deborah L. Rhode, Stanford Law School, *Professional Responsibility: Ethics by the Pervasive Method* (1994).
- Jay Silver, St. Thomas University School of Law, *Moral Dilemmas in the Practice of Law* (1994).

#### E. CRIMINAL LAW AND PROCEDURE

- Courtroom Television Network, *Iowa v. Morgan: Evidence Suppressed, Justice Denied?* (1991).
- Roger Cramton, Cornell Law School, *Fostering Falsity: The Criminal Defense Lawyer's Role?* (1996)
- H.R. Delaney, "Teaching the Applied Criminal Justice Ethics Course" in F.A. Schmallegger, ed., *Ethics in Criminal Justice: A Justice Professional Reader* (Wyndham Hall Press 1990).
- Ethics and Professionalism in the Pretrial Stages of Criminal Prosecution and Defense: The Case of the Blue Lagoon Nightclub* (Chief Justice's Commission on Professionalism 1993).

Ethics on Trial (WETA-TV, Washington, D.C., 1986).

George Fisher, Stanford Law School, Prosecutorial Ethics (1994).

Fred W. Friendly, *The Victim and the Accuser: Society's Anger, Society's Responsibility* (Ethics in America series, Columbia University Seminars on Media and Society 1989).

\_\_\_\_\_, *To Defend a Killer* (Ethics in America II series, Colum. U. Seminars on Media and Society 1989).

Ann M. Galligan, "Using Courtroom Video in the Classroom: The Rodney King Case" (*Journal of Criminal Justice Education*, Vol. 2, Fall 1994, pp. 265-70).

Stephen Gillers, *Adventures in Legal Ethics* (N.Y.U. School of Law 1992) (relevant vignette: *Mary Cahn and Edgar Danforth*).

\_\_\_\_\_, *Further Adventures in Legal Ethics* (N.Y.U. School of Law 1993) (relevant vignettes: *First Client Interview* and *Plea Negotiation*).

*Inside the Law*, "What's Wrong with the Adversarial System?" (1995).

Peter Joy, Case Western Reserve University Law School, *Professional Responsibility Problems* (1991) (problem sets).

Michael Kelly and Kathy Lovill, Georgetown University Law Center, *Teacher's Notes to The Verdict and Anatomy of a Murder* (1991).

James S. Liebman, Columbia University School of Law, *The Profession of Law (State v. Quiñones)* (documents and 38-minute videotape) (1993)).

Deborah L. Rhode, Stanford Law School, *Professional Responsibility: Ethics by the Pervasive Method* (1994).

Frank Schmalleger and Robert McKenrick, *Criminal Justice Ethics: Annotated Bibliography and Guide to Sources* (Greenwood Press 1991).

Jay Silver, St. Thomas University School of Law, *Moral Dilemmas in the Practice of Law* (Spring 1994).

*State vs. One Late Model Automobile* (Professional Responsibility in Practice series, Loyola L.A. Law School 1993).

Melvyn Zarr, University of Maine School of Law, *The Lawmaking Powers of Prosecutors and Defense Counsel in the Criminal Process* (August 1994).

## F. EVIDENCE AND TRIAL ADVOCACY

Carolyn Blum and Laurent Mayali, University of California-Berkeley School of Law (Boalt Hall), *Humanizing Law Images of Lawyers in 20th Century Cinema* (Spring 1993).

William T. Braithewaite, Loyola University of Chicago School of Law, *Readings on Professional Responsibility* (Fall 1994).

Robert P. Burns et al., *Exercises and Problems in Professional Responsibility* (Nat'l Inst. of Trial Advocacy ed., 1994).

Robert P. Burns et al., *Exercises and Problems in Professional Responsibility* (Nat'l Inst. of Trial Advocacy ed., Teacher's Manual 1994).

- The Case of the Silent Alarm: GT Construction Company, Inc. v. The Sentry Company, Inc. (Chief Justice's Commission on Professionalism 1994).  
Courtroom Television Network, Iowa v. Morgan: Evidence Suppressed, Justice Denied? (1991).  
Roger Cramton, Cornell Law School, *Baltes*, Client Identity: Professional and Social Approaches to Confidentiality and Privilege (1995).  
George Fisher, Stanford Law School, Prosecutorial Ethics (1994).  
Fred W. Friendly, Truth and Justice: The Adversary System in Civil Litigation (Ethics in America series, Columbia University Seminars on Media and Society 1989).  
Stephen Gillers, Adventures in Legal Ethics (New York University School of Law 1992) (relevant vignettes: *Karen Horowitz and J. Blair Thomas*; and *Pinnocchio's Lawyer*).  
Stephen Gillers, Further Adventures in Legal Ethics (N.Y.U. School of Law 1993) (relevant vignette: *Plea Negotiation*).  
Investigation (Legal Ethics: Applying the Model Rules series, ABA 1984).  
Bruce A. Green, Fordham University School of Law, Readings in Professional Responsibility: Ethics in Criminal Advocacy (1996).  
Thomas B. Metzloff, ed., Duke University School of Law, Professional Responsibility Anthology (1994).  
Deborah L. Rhode, Stanford Law School, Professional Responsibility: Ethics by the Pervasive Method (1994).  
Jay Silver, St. Thomas University School of Law, Moral Dilemmas in the Practice of Law (Spring 1994).  
Richard A. Zitrin and Carol M. Langford, University of San Francisco School of Law/University of California-Berkeley School of Law (Boalt Hall), Legal Ethics in the Practice of Law, Part Two, Michie Publisher (1995).

#### G. FAMILY LAW

- Stephen Gillers, Adventures in Legal Ethics (N.Y.U. School of Law 1992) (relevant vignette: *Felicia Carlyle, Samantha Kelsey and Ben Butler*).  
Robert Goldstein, U.C.L.A. School of Law, Representation of Children (1993).  
"In Jason's Best Interests: The Responsibility of Lawyers in Custody Disputes" (University of Pennsylvania Law School Center on Professionalism) (1996).  
Interviewing and the Lawyer-Client Relationship (Legal Ethics: Applying the Model Rules series, ABA 1984).  
Michael Kelly, Georgetown University Law Center, Teacher's Discussion Guide to *Rita's Case* (1988).  
\_\_\_\_\_, *A Client With a Secret* (1986) (case study and teacher's guide).  
James S. Liebman, Columbia University School of Law, The Profession of Law *The Travis Divorce*, (1993) (documents and 41-minute videotape).

Louis Parley, *The Ethical Family Lawyer: A Practical Guide to Avoiding Professional Dilemmas* (Family Law section of the ABA, 1995).

Rita's Case: *Legal Services and Family Law* (Harvard University Law School Program on the Legal Profession 1982).

Rita's Case: *The Lawyer as Problem Solver* (Chief Justice's Commission on Professionalism 1993).

Deborah L. Rhode, Stanford Law School, *Professional Responsibility: Ethics by the Pervasive Method* (1994).

#### H. LABOR AND EMPLOYMENT LAW

Roger Cramton, Cornell Law School, *Balla*, *The Ethics and Status of Corporate Counsel: Confidentiality, Whistleblowing and Wrongful Discharge* (1995).

#### I. PROPERTY

Roger Cramton, Cornell Law School, *Hubert*, *Joint Representation of Husband and Wife in Estate Planning: Confidentiality and Loyalty in Tension* (1995).

Geoffrey Hazard and Susan Koniak, Yale Law School/Boston University School of Law, *Course Materials and Teaching Notes* (1995).

Peter Joy, Case Western Reserve University Law School, *Professional Responsibility Problems* (1991) (problem sets).

William McGovern, U.C.L.A. School of Law, *Wills and Trusts* (1993).

Deborah L. Rhode, Stanford Law School, *Professional Responsibility: Ethics by the Pervasive Method* (1994).

#### J. TAX

Michael Asimow, U.C.L.A. School of Law, *Tax* (1993) (problems).

Mary C. Daly, Fordham University School of Law, *Readings in Professional Responsibility: Regulatory and Tax Practice* (1996).

Bernard Wolfman, James S. Holden, and Deborah Schenk, *Ethical Problems in Federal Tax Practice* (3d ed. 1995).

Joel Newman, Wake Forest University, *Tax* (1994) (untitled videotape).

Eric Zolt, U.C.L.A. School of Law, *Tax* (1993) (hypotheticals).

#### K. TORTS

Rick Abel, U.C.L.A. School of Law, *Torts* (1995).

Alison Anderson, U.C.L.A. School of Law, *Torts* (1993).

*Counseling and Negotiation: The Settlement of Lancer v. American Steel* (Professional Responsibility for Lawyers: A Guided Course series, University of Pennsylvania Law School Center on Professionalism 1991).

Roger Cramton, Cornell Law School, *Virzi*, *Deception and Candor in the Negotiation of Settlements: The Virzi Case* (1995).

- Douglas N. Frenkel, *Who's In Charge? The Lawyer as Counselor: Process and Ethical Dimensions* (University of Pennsylvania Law School Center on Professionalism 1989).
- Mark Grady, U.C.L.A. School of Law, *Torts* (1993).
- Geoffrey Hazard and Susan Koniak, Yale Law School/Boston University School of Law, *Course Materials and Teaching Notes* (1995).
- Peter Joy, Case Western Reserve University Law School, *Professional Responsibility Problems* (1991) (problem sets).
- Negotiation* (Legal Ethics: Applying the Model Rules series, ABA 1984).
- Fran Olsen, U.C.L.A. School of Law, *Torts* (1993).
- Professional Responsibility in Pretrial Litigation: The Morgantown Civic Center Collapse* (Professional Responsibility for Lawyers: A Guided Course series, University of Pennsylvania Law School Center on Professionalism 1990).
- Deborah L. Rhode, Stanford Law School, *Professional Responsibility: Ethics by the Pervasive Method* (1994).

