

## TOPICS INCLUDED FOR EPR APPROVAL

### COMPETENCE

- Legal Knowledge and Skill in Representation
- Thoroughness and Preparation
- Maintaining Competence

### SCOPE OF REPRESENTATION

- Independence from Client's Views or Activities
- Services Limited in Objectives or Means
- Criminal, Fraudulent and Prohibited Transactions

### DILLIGENCE

### COMMUNICATION

- Withholding Information

### FEES

- Basis or Rate of Fee
- Division of Fee
- Disputes over Fees

### CONFIDENTIALITY OF INFORMATION

- Authorized Disclosure
- Withdrawal
- Dispute Concerning Lawyer's Conduct
- Disclosures Otherwise Required or Authorized
- Former Client

### CONFLICT OF INTEREST

- Loyalty to a Client
- Lawyer's Interests
- Consultation and Consent
- Conflicts in Litigation
- Interest of Person Paying for a Lawyer's Service
- Other Conflict Situations
- Conflict Charged by an Opposing Party

### CONFLICT OF INTEREST: Prohibited Transactions

- Transactions Between Client and Lawyer
- Literary Rights
- Person Paying for Lawyer's Services
- Limited Liability
- Family Relationships Between Lawyers
- Acquisition of Interest in Litigation

### CONFLICT OF INTEREST: Former Client

### INPUTED DISQUALIFICATION: General Rule

- Definition of Firm
- Principles of Imputed Disqualification
- Lawyers Moving Between Firms
- Confidentiality
- Adverse Positions

### SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT

### FORMER JUDGE OR ARBITRATOR

TOPICS INCLUDED FOR EPR APPROVAL  
PAGE#2

ORGANIZATION AS CLIENT

- The Entity as the Client
- Relation to Other Rules
- Government Agency
- Clarifying the Lawyer's Role
- Dual Representation
- Derivative Actions

CLIENT UNDER A DISABILITY

SAFEKEEPING PROPERTY

DECLINING OR TERMINATING REPRESENTATION

- Mandatory Withdrawal
- Optional Withdrawal
- Assisting the Client Upon Withdrawal

SALE OR PURCHASE OF A LAW PRACTICE

- Termination of Practice by the Seller
- Single Purchase
- Client Confidences, Consent and Notice
- Fee Arrangements Between Client and Purchaser
- Other Applicable Ethical Standards
- Applicability of the Rule

ADVISOR

- Scope of Advice
- Offering Advice

INTERMEDIARY

- Confidentiality and Privilege
- Consultation
- Withdrawal

EVALUATION FOR USE BY THIRD PERSONS

- Duty to Third Person
- Access to Disclosure of Information
- Financial Auditors' Requests for Information

MERITORIOUS CLAIMS AND CONTENTIONS

EXPEDITING LITIGATION

CANDOR TOWARD THE TRIBUNAL

- Representations by a Lawyer
- Misleading Legal Argument
- False Evidence
- Perjury by a Criminal Defendant
- Remedial Measures
- Constitutional Requirements
- Refusing to Offer Proof Believed to Be False
- Ex Parte Proceedings

FAIRNESS TO OPPOSING PARTY AND COUNSEL

IMPARTIALITY AND DECORUM OF THE TRIBUNAL

TRIAL PUBLICITY

LAWYER AS WITNESS

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PAGE#3

SPECIAL RESPONSIBILITIES OF A PROSECUTOR  
ADVOCATE IN NONADJUDICATIVE PROCEEDINGS  
THREATENING CRIMINAL PROSECUTION  
TRUTHFULNESS IN STATEMENTS TO OTHERS

Misrepresentation  
Statements of Fact  
Fraud of Client

COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL  
DEALING WITH UNREPRESENTED PERSON  
RESPECT FOR RIGHTS OF THIRD PERSONS  
RESPONSIBILITIES OF A PARTNER OR SUPERVISORY LAWYER  
RESPONSIBILITIES OF A SUBORDINATE LAWYER  
RESPONSIBILITIES REGARDING NON-LAWYER ASSISTANTS  
PROFESSIONAL INDEPENDENCE OF A LAWYER  
UNAUTHORIZED PRACTICE OF LAW  
RESTRICTIONS ON RIGHT TO PRACTICE  
PRO BONO PUBLICO SERVICE  
ACCEPTING APPOINTMENTS  
MEMBERSHIP IN LEGAL SERVICES ORGANIZATION  
LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS  
COMMUNICATIONS CONCERNING A LAWYER'S SERVICES  
ADVERTISING

Paying Others to Recommend a Lawyer  
DIRECT CONTACT WITH PROSPECTIVE CLIENTS  
COMMUNICATION OF FIELDS OF PRACTICE  
FIRM NAMES AND LETTERHEADS  
BAR ADMISSION AND DISCIPLINARY MATTERS  
JUDICIAL AND LEGAL OFFICIALS  
REPORTING PROFESSIONAL MISCONDUCT  
MISCONDUCT  
JURISDICTION

## ABA MODEL RULES OF PROFESSIONAL CONDUCT

CIVILITY

GENDER BIAS

MALPRACTICE AND ETHICS

JUDICIAL ETHICS

DEALING WITH CATASTROPHIC CLAIMS & WORKSHOP ON DIFFICULT CLAIMS

LAWYERS PROFESSIONAL LIABILITY PROGRAMS – “Loss Control for Lawyers” (a CNA Insurance Company program)

ETHICAL DILEMMAS

RISK MANAGEMENT AND PROFESSIONAL RESPONSIBILITY LAW PRACTICE

ASSESSMENT

PROFESSIONAL RESPONSIBILITY (pertaining to most specialties in law)

BOUNDS OF ADVOCACY

PROFESSIONAL OBLIGATIONS OF LAWYERS

ETHICS FOR ARBITRATORS AND MEDIATORS

ETHICS FOR MUNICIPAL GOVERNMENT LAWYERS

ACTIONS AGAINST ATTORNEYS – MALPRACTICE AND OTHER LOSS EXPOSURES

AVOIDING ETHICAL VIOLATIONS

ETHICS: Sexual Harassment in the Law Office (The Types of Conduct that Could be Construed as Sexual Harassment Which Might Subject a Lawyer to Disciplinary Action or Liability)

AVOIDING LEGAL MALPRACTICE CLAIMS (May need material to decide)

## TOPICS NOT APPROVED FOR EPR

LITIGATING SMARTER: Case Management for the ‘90’s

LAWYERS AS CONCERNED CITIZENS

GOVERNMENT ETHICS FOR FEDERAL ATTORNEYS (or government ethics, period!)

ETHICAL ISSUES IN LOBBYING THE GOVERNMENT (not legal ethics)

SELF-STUDY EPR

PROFESSIONALISM: Our Challenge and Our Future

DEALING WITH HARDBALL TRIAL TACTICS AND DIFFICULT JUDGES

STANDARDS OF CONDUCT REGULATIONS BY U.S. DEPT. OF JUSTICE (NO MATS)