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PROBLEMS AND MATERIALS

FOURTEENTH EDITION

THOMAS D. MORGAN
JOHN S. DZIENKOWSKI
MITT REGAN

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PROFESSIONAL RESPONSIBILITY PROBLEMS AND MATERIALS FOURTEENTH EDITION

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In Memory of Ronald D. Rotunda

February 14, 1945-March 14, 2018

Co-author of these materials for over 40 years

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PREFACE

This Fourteenth Edition maintains the characteristics that have made the book a leader in its field. Problems are still followed by questions designed to provoke discussion. Questions are followed by case and opinion summaries designed to give examples of ways that courts and rule makers approach the issues raised. Black letter questions are followed by references relevant to issues that the questions raise. Each problem groups questions under one of four issues, again to more clearly structure student preparation, discussion and understanding. Although we have cut the number of problems from 40 to 38, that is to eliminate issues that are no longer relevant; it does not reduce the rigor required to wrestle with the questions that remain.

Especially important, this Fourteenth Edition keeps up with our rapidly-changing legal profession and with changes in regulation that respond to the new developments. The book considers how the Covid-19 pandemic has changed the potential for virtual lawyer practice and increased tolerance of practice from outside a lawyer's licensing jurisdiction. It examines protection of confidential client information in a world where potential hackers threaten lawyer data and it introduces litigation finance that may revolutionize how firms handle cases. It explores issues of diversity, expands coverage of lawyer counseling and deals with Utah's "regulatory sandbox" and Arizona's rule changes that, even now, let regulators watch new forms of practice take shape and assess the risks and benefits of the new ways of delivering legal services.

References to the ABA Model Rules of Professional Conduct are to the Model Rules, as amended through 2021. References to the ABA Model

Code of Judicial Conduct are to the 2007 version. Restatement references are to the Restatement Third, The Law Governing Lawyers, published by the American Law Institute in 2000.

This edition's authors thank the American Bar Association and American Law Institute for permission to quote their copyrighted material. We also thank the professors and practitioners who have offered thoughtful comments and suggestions on our materials. We listen to those comments and we hope you will find the new edition an up-to-date and useful successor to its predecessors.

T.D.M.

J.S.D.

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Naples, FL

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Washington, DC

April 2022

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