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### 1. Laura's Violations

#### Disclose conflict of Interest

Both the ABA and the California rules require a lawyer to disclose any known or potential conflict of interests that could affect their representation of a party. This includes conflict of interest within the firm the lawyer works in. this duty requires the lawyer to disclose this conflict and obtain the clients informed consent to this conflict.

In the scenario it is stated that alex and laura share an office space/suite, the facts makes it apparent that they however run separate and distinct practices, evident from the use of different letter headed paper, separate business cards and even separate phone numbers. Alex represents the girlfriend of henry, wendy ex husband and opposing party in lauras case and as such a conflict of interest may arise here, no matter how remote. Laura may however argue that due to distcint law practices of laura and alex there is no conflict of interests present based on representation of an opposing client within the same firm, this argument could hold weight. However, it is evident that alex and laura both share ammenties including confrence rooms, printer and a receptionist, and this sharing of facilities has lead to information to be available to opposing party, in laura. Although the information leaked was not wednys's the facts indicate that it easily could have been and as such, it is arguable that laura would be under a duty to disclose this conflict of intrest to Wendy and obtain her informed consent, which the facts indicate that she has not.

As such laura may have breached this duty.

#### Duty of communication

Based on both the ABA and California rules the duty of communication requires a lawyer to inform their client of all material developments in the case, gain their approval and direction on issues affecting their case, and keep the client updated.

In this scenario, laura has stumbled across information that is particularly important to wendy as she has stated previously to laura that she is suspicious that henry is hiding assents. It is

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arguable however, that the way in which Laura has obtained this information is not a violation as she did not do so by improper means and what's more Ginny is not opposing party, as such Laura may be under a duty to utilize this information and inform her client of this due to the far reaching impact on her client's case, evident in the unfavorable outcome to Wendy.

Laura may however argue that her stumbling across this information may have tied her hands and would not warrant Laura's disclosure of this information to Wendy as this may lead to an improper influence of that case, this argument may be limited as Laura could have rectified this by informing opposing counsel of this information and disclosing it to the court as this was not the privileged information of the opposing party.

As such, Laura may have breached her duty of information to Wendy.

#### using improper means or improper influence to gain a favorable outcome in a matter

Both the ABA rules and California rules prohibit a lawyer from using or even interfering with the use of improper means to gain an advantage in a case.

Here Laura has stumbled across information that provides her with the opportunity to gain an advantage in a matter. She has however not found this information by any improper means but rather by a mere accident, the facts further indicate that Laura did not use this information to influence the matter at all as such she has not breached this duty.

#### Duty to report/duty of candor to the tribunal

A lawyer is under a duty to report any false statements made to a tribunal

Here Laura was aware of a misrepresentation made to the tribunal here and she did not disclose this, even though this statement was not made by her client she is still under a duty to disclose this and furthermore she would not have breached any duty of confidentiality to the opposing party. As such she may have breached her duty to the tribunal.

#### Duty of candor and fairness to opposing client

Both rules require a duty of candor and fairness to opposing party.

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Here Laura did not use the information provided at all, as such she has not breached this duty of fairness to the opposing party.

### Sharing law offices with another lawyer

Sharing offices and amenities with another lawyer is not prohibited by the rules, however this comes with an implied duty to maintain confidentiality of clients.

Here it is apparent that Alex and Laura share, printers, receptionists and conference rooms. This may present an issue, and already has, as it has the potential to lead to breaches of confidentiality. Here facts do not indicate that Laura has done anything to safeguard against this.

As such her sharing of law offices may be inadequate and a breach and may lead to a breach of confidentiality of her client in the future.

### Alex's Violations

Alex represents Ginny

#### Duty to former and current clients, including the duty to disclose conflict of interest:

The rule as stated above regarding a conflict of interest and the requirement to gain informed consent is applicable here

as stated above, although both Laura and Alex run separate law practices it is arguable that a duty also arises here and Alex is under a duty to obtain the informed consent of Ginny due to this potential conflict of interest. The facts are silent on whether Alex has gained this informed consent from Ginny. If Alex has not obtained this informed consent, he would have violated this rule.

#### Duty of confidentiality

Both the ABA and California rules impose a duty to keep confidential information provided by a client and similarly not to be reckless in the handling of such confidential information, with this

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rule being even stricter in California.

The facts indicate that alex and laura share a law practice and utilize the same amenities including a printer, receptionists and conference room. This may indicate a breach of this duty as under this duty alex is required to take reasonable measures to protect the confidential information of his clients. By sharing a printer, in which confidential information may pass through, and a receptionist that also happens to be the son of the person he shares an office with (showing impartiality, bias and recklessness) it could be argued that alex has breached this duty as he has not taken reasonable care to protect the privileged information of his client, evident in the fact that laura happened to stumble on privileged information with ease. Alex could have also easily avoided this by having his own printer, however he did not.

As such alex has breached his duty of confidentiality.

Duty of candor to the bar and to avoid misrepresentation made to the tribunal:

Both rules requires lawyer to avoid making false statements to a tribunal or prevent their clients from making such false statements

In this scenario, alex represents ginny and not henry. It is indicated that henry is hiding assets through ginny. The facts however do not indicate that alex is aware of this or the matter laura is between Henry and wendy. As such it is unlikely that alex is under any duty to correct any misrepresentation or false statement made to the tribunal in the case between henry and wendy, as he does not represent Henry and he may not be aware of such false statements.

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**END OF EXAM**