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In every transaction, an attorney owes his client the duty to avoid conflicts and the duties of loyalty, competence and diligence.

Additionally, in every transaction, an attorney has the duty to communicate, to give candid advice, to keep client confidences, to safeguard client monies, to avoid charging unreasonable fees, and to terminate representation properly. Every transaction also triggers the attorneys duties as an officer of the courts. An attorney **MUST NOT** commit or aid his clients to committing any illegal activity, obstruction of justice or fraud.

An attorney also owes duties to the tribunal, to opposing counsel, and to other third parties involved in litigation.

1. Laura's ethical obligations and violations

Duty of Competence

Laura practices family law and she represents Wendy in a divorce proceeding. Her practice in family law indicates that she has the competence, skill, and knowledge to adequately represent Wendy in the child support matter.

Wendy stated to Laura that she suspects Henry is not being truthful in his financial statement. This triggers a duty of competence because Laura should take steps in researching and investigating this matter. This matter is crucial to the litigation and outcome of Wendy's case because it falls on how much money Wendy will receive from Henry in the child support request. The facts do not state which steps or measures Laura took after learning this from Wendy, but under the ABA and CA rules, an attorney must zealously represent her client's matter, and that means taking his concern as a high priority. Wendy's concern that Henry is not being truthful is not Laura's concern as well.

Didn't inform Wendy of Alex's representation of Ginny

Potential Conflict of Interest

At potential issue here is whether Laura should have informed Wendy of Alex's representation of Ginny once Laura was aware of this. Here, Laura and Alex are not attorneys at the same firm, and do not share clients. The ABA and CA rules do not mandate informing clients under these facts, but as an extra precaution, Laura should have informed Wendy that an attorney who shares an office space with her represents a client that may be adverse to Wendy's case.

Didn't want Sam to get in trouble

Actual Conflict of interest/personal self-dealing interest

Laura did not want Sam to get in trouble for carelessly leaving an important legal document in plain view. This might get Sam in trouble by Alex because Sam was negligent in his role at work and it could mean that Sam could get fired by Alex. A conflict of interest arises when an attorney has personal interests that is adverse to that of her client's. Here, although Sam was not initially a conflict of interest for Laura's representation of Wendy, Sam became a conflict of interest between the representation when Laura made him a personal matter that she put before her client Wendy. Because Laura did not put Wendy's interest first and upmost important, she violated her duty to Wendy.

Not mentioning property deed to Alex

Duty to Other Attorneys

An attorney owes duties to other attorneys in the profession. This is a duty to not commit in unfair dealings or advantages. There are instances where an attorney should communicate matters to other attorneys if justice requires and if it is fair. Here, Laura learned of the document by accident. She should've communicated to Alex what she saw to inform him that she now has knowledge that are likely privilege of his client. However, Laura might assert that Alex representing Ginny on a matter that is completely unrelated to Wendy's case does not trigger a duty to communicate. Here, though, Laura was blatantly dishonest to Alex about matters that she discovered, and she violated her duty to Alex as a lawyer in the profession by further hiding the fact.

Not mentioning property deed to Wendy

Duty to Communicate

Under the ABA and CA rules, an attorney must communicate all matters that are important and essential to their client's case. Under CA, not all oral communicates have to be communicated to the client, but written communication such as settlements or important documents, must be communicated to the client. This is important in assisting the client in making informed decisions for their case. Here, when Laura did not tell Wendy about the deed, she violated her duty to communicate to her client. This violation was major because Laura knew that Wendy wanted to know the truth about Henry's financial stance so that it can help Wendy make informed decisions about the child support.

Duty of Loyalty

Laura also violated her duty of loyalty when she decided to not tell Wendy about the deed. An attorney's duty of loyalty is first to her client. Here, Laura knew that the financial statement was a material issue and matter in the child support case. This document would've resolved the bulk of Wendy's concerns, which were directly and clearly stated to Laura.

Duty of Competence - Award amount

Under the ABA and CA rule, an attorney has the duty to competently and zealously represent her client and to see that the matter she is representing was done to the best of her skill and knowledge. Wendy received a lower award of child support from the court because of Henry's incorrect financial statement. This is a clear violation of Laura's duty to zealously represent her client. An attorney's duty is to inform her client of legal strategies so that the client's goals for the case is best or most closely met. The client has the right to make non-legal decisions and input for her case so long as the client is not asking the attorney to fraudulently represent the case. Here, the lessened amount received was a direct outcome of Laura's self-dealing in hiding the document from Wendy and litigating the matter without the document.

Not mentioning property deed to the court

An attorney owes the court and tribunal the duty of honesty and fair dealing. Under both the ABA and CA, an attorney cannot make false statements to the court and cannot assist the client in doing so either. Here, Wendy violated her duty to the court by moving forth with litigation and hiding a crucial knowledge and evidence that the court would have used in deciding for the case. Under the ABA and CA, misrepresentation to the court will give rise to an attorney being investigated for misconduct. Here, this misconduct was not only to the court but also to Laura's client.

2. Alex's ethical obligations and violations

Alex is a tax attorney and he shares a suite/office space with another attorney, Laura. They also share common work areas and equipments such as the conference room, printer, and receptionist. The facts state that Alex use separate letterhead, business cards, and telephone numbers. This indicates that Alex is not practicing law under the same firm as Laura, and that he retains clients himself and does not share client obligations and duties with another attorney. However, because of the shared office space, equipments, and personnel, the likelihood of ethical issues arising is likely.

Duty to Communicate

Alex shares a suite with Laura and likely is aware that Laura is representing Wendy in her divorce proceeding. If Alex is aware of this, a duty to communicate arises. Under the ABA and

CA rules, an attorney has the duty to communicate important, material matters to their client. The duty to communicate is heightened if knowledge of such matter is essential or crucial to the client's case. Here, Alex merely being aware of Laura's representation of Wendy does not show that such representation affects Ginny's case in any way. As such, Alex may not need to inform Ginny of this knowledge. As an extra precaution, Alex should've mentioned it to Ginny.

Conflicts of Interest

An attorney may not represent a client if there is a conflict of interest between the current client with past clients or potential clients. Here, Wendy is not a client of Alex's. Wendy is a client of an attorney who shares close working spaces with Alex. The facts do not state this, but Alex might have known or overheard privileged matters between Wendy and Laura. If this is the case, Alex should inform Ginny that he knows privilege matters, but that because Ginny is his client, his loyalty remains to Ginny and the potential conflict would not adversely affect Ginny in any way. Informing Ginny of this would be best practice for Alex because it shows that he has no interest in matters relating to Wendy.

Duty to Other Attorneys

Alex has the duty to be fair to other attorneys. Here, Alex did not seem to violate any duties to Laura simply because he represents a client who has matters adverse to Laura. Alex and Laura are not opposing counsel and do not work under the same firm. However, Alex could still communicate to Laura that his client is Ginny and that both Laura and Alex should do their best to protect their client's privilege matters and not intentionally or negligently relay any matters pertaining to their clients.

Aiding non-attorney in the practice of law

Sam's role to Alex is being a receptionist. This role may require Sam to assist in other administrative duties, such as copying or putting client documents in the appropriate area. The facts do not state that the document was drafted by Sam for Alex. However, if that were the case, then Alex might have violated his duty in assisting a non-attorney in drafting legal documents and practice of law. Otherwise, there is no showing on Alex's part in that he aided Sam in negligently leaving an important document in plain view.

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