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Duty of loyalty

Attorney has a duty to loyalty to each client, former client, prospective client and must not engage in a conduct that breach his any duties to the client and his action in representation of the client materialy adverse to any any of afore-mentioned clients.

Here Eic is a prospective client and Laura had a duty of loyalty to her.

Potential Conflict of interest

Under the CA rule A lawyer who suspects there is a conflict of interest must disclose this to the client and and get the client consent in writing.

Here the attorney Laura suspects that there is a conflict of interest that he the case contain a matter of criminal law and representation of a client in a matter that constitute misconduct but she accept the document from her without disclosing about the conflict that exist in case.

Conflict of interest

Under ABA rule a lawyer has a duty of loyalty to each represented person to avoid any conflict of interest and must not represent a client in a matter that prohibit by law.

Under the CA rule A lawyer must not intentionally, recklessly represent a client is a matter that involved any conflict of interest and must disclosed this to the client and get the client consent in writing.

Here the attorney Laura knew she can not represent the client in a matter that constitute misconduct but she accept the document from her without disclosing about the conflict that exist in case.

Thus she violated both the ABA and CA rule of professional conduct.

Unauthorized practice of law

A lawyer must not engage in practices that constitute unauthorized practice of law and must prohibit of such conduct.

Here Laura approached Laura for advising regarding the mortgage application and while Laura did not want to get this case but and noticed that the case constitute crime under the state law but nonetheless told Laura that she would think about it and get back to him.

Thus this will be attorney misconduct under both ABA and CA rules of professional

conduct.

Duty of competence

Under the ABA and CA rule a lawyer must represent each client competently and diligently and must have the skill and knowledge reasonably necessary in representation of the client.

Here the attorney did not have the skill and knowledge necessary in representation of the client and as the fact says she never engaged in these practices but she said she think about it which was not ethical for a lawyer to do that.

Attorney violated duty of competence to Eric.

Duty of honesty

A lawyer has a duty of Honesty to the client or even prospective client and must do due regard in the representation.

Here Laura said to Erin that she would think about the case and get back to him but she in fact lied and called Mianne and said about the earlier communication of Eric.

Laura breach the duty of honesty in violation of rules of professional conduct.

Duty of candor to the tribunal

A lawyer has a duty of candor to tribunal and must disclose any fact that he knows will be material in representation and the tribunal needs to know about it.

Here attorney also knows that the state attorney is aggressively investigating similar practices by mortgage and he needs to inform the authority regarding this instead he informed the Mianne first while she should let the investigating officer know about this criminal activity.

Lawyer violated duty of candor to tribunal by not disclosing the material fact regarding the criminal activity.

Duty to report

Attorney has a duty to report about criminal activity when he know will harm a substantial injury but under CA he does not need to do so.

Attorney here needed to report the misconduct to the highest authority in the company after letting the client know about this.

Laura breach his duty under both CA and ABA.

Duty of confidentiality

Attorney has a duty of confidentiality to each client and must not breach this duty unless the client give their consent.

Attorney breached the duty when she disclosed the fact to Mianne while she should let the client knows about this.

reporting the document to the state attorney general

Attorney needed to report the document to state general when he knew about the criminal activity and breach the duty by not doing so under ABA and CA rule.

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END OF EXAM