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I. Ethical Violations of Rex

1. Self-Report Duty

Under CA authority, a lawyer should report to the State Bar if he is sued for 3 times in a year. Failure to give self-report will subject the lawyer to discipline. There's no such self-report rule under ABA authority.

Here, during the last year and a half, Rex was sued for legal malpractice four times. Rex has not told anyone about being sued because there have no judgments against him, and he believes the suits to be frivolous. However, CA rule for self-report doesn't turn on the judgment of the suit but on the fact and frequency of the suit against the lawyer. Rex's belief of frivolous suit and lack of judgment will not exempt him of self-report duty under CA rule.

Thus, Rex violated California rule of self-report and is subject to discipline. But Rex doesn't violate ABA rule.

2. Partnership with Non-lawyer

Under ABA and CA authorities, a lawyer may not partnership with non-lawyers to practice law.

Here, Rex partnered with his former partner at Realty-Co to place a sign in the lobby of Realty-Co, free of charge. His former partner is a non-lawyer, his advertising in the lobby of Real-Co constitutes partnership with non-lawyer. Rex may argue that his former partner allowed him to advertise free of charge. However, such an advertising in another's business premises constitutes partnership with non-lawyer. Charges or not is irrelevant.

Thus, Rex likely violated the ABA and CA authorities regarding partnership with non-lawyer.

3. False Advertisement and Failure to Specify the Address of Law Firm

Under ABA and CA authorities, a lawyer may be permitted to advertise himself and his services if the communication is not false, misleading and doesn't create unjustified expectation of the outcome. Lawyer's advertisement should specify the address of the law firm.

A. Certification of Lawyer's Specialty

Under ABA and CA authorities, a lawyer may not claim to have been certified in certain practice areas if he has not been authorized as such.

Here, Rex advertised a sign reading: " Looking for a state bar-certified real estate attorney? Look no further! Call Rex Jones and Associates 1-800-Big-Firm". Though, Rex used to work as a real estate broker prior to his becoming a lawyer, no facts indicate that he got certification from the State Bar of California as a realty-specialized lawyer. His advertisement was false and misleading.

Thus, Rex violated ABA and CA authorities in falsely claiming his being a state bar-certified realty lawyer.

B. Failure to specify the Address of law firm

Under ABA and CA authorities, a lawyer's advertisement should specify the office address of the law firm.

Here, Rex only indicated the name and telephone number of the law firm: Call Rex Jones and Associates 1-800-Big-Firm. He failed to specify the address of the law firm.

Thus, Rex likely violated ABA and CA rules by failing to specify the address of the law firm.

4. Report of Another Lawyer's Misconduct

Under ABA and CA authorities, a lawyer should report to authorities(ABA) or the State Bar(CA) if he knows(suspicion is not enough) another lawyer committed a crime or misconduct that raises substantial question to the lawyer's honesty, trustworthiness and fitness as a lawyer.

Here, Rex knew Nancy was previously disbarred in Arizona, and now in good standing with the bar, but she is not representing a client in an real estate transaction in California, this is unauthorized practice of law by Nancy. Sufficient to raise questions to Nancy's honesty, trustworthiness and fitness as a lawyer. But no facts indicated that Rex reported or decided to report such misconduct.

Thus, Rex likely violated the ethical rule under ABA and CA authorities in reporting another lawyer's misconduct.

Overall Conclusion

In conclusion, Rex likely violated ABA and CA rules in self-reporting(CA specific), advertising(false and misleading, failure to specify address), and report of another lawyer's misconduct, and is subject to discipline.

II. Ethical Violations of Nancy

1. Unauthorized Practice of Law

Under ABA and CA authorities, a non-lawyer or a lawyer licensed in another jurisdiction should not conduct practice of law in a jurisdiction she is not licensed unless an exception applies.

Here, Nancy is licensed in Arizona, not licensed in California. She represented the seller, an Arizona resident who owned only that one property in California. She committed unauthorized practice of law in California if no exception applies.

Thus, Nancy committed unauthorized practice of law absent any exception.

2. Exception of a lawyer licensed in another jurisdiction to practice in an unlicensed jurisdiction

Under ABA Model Rules, a lawyer licensed in one jurisdiction may represent a client in an

unlicensed jurisdiction if she represents a client which has business existence (normally subsidiaries or branches) in the unlicensed jurisdiction in non-litigation transactional matters without involving the laws of the unlicensed jurisdiction.

Here, Nancy's client, the seller is an Arizona resident who owned only that one property in California, Nancy represented him in a real estate transaction. In other words, the seller does not have business existence, the exception does not apply here. Nancy's representation of this client is considered unauthorized practice of law.

Thus, Nancy's representation doesn't fall in the exception.

In conclusion, Nancy has violated the unauthorized practice of law because she practiced law in California where she is not licensed and no exception applies. Therefore, Nancy is subject to discipline under ABA and California authorities.

Question #3 Final Word Count = 892

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