

3)

1.

False Advertisement

Under the ABA, a lawyer must advertise accurately and must not make false or misleading statement. California follows a similar rule, but with the addition that attorney's state they are advertising and identify themselves which includes their name and phone number.

Here, under both the ABA and California Law, Rex violated the duty of advertising correctly. First, the statement "Call Rex Jones and Associates" is misleading because the Rex is a solo practitioner. A client may reasonably believe that Rex Jones is running a law firm with multiple attorneys. But instead, Rex is a Solo Practitioner. Second, under California law Rex is in violation because the call back number "1-800-BIG-FIRM" Rex provided is not transparent. Prospects client would have difficulty contact Rex because the numbers are not explicitly stated. Third, the statement "State Bar-Certified Real Estate Attorney" could be seen as misleading. It's unclear whether the certification is in reference to Rex being a certified attorney or real-estate-certified-attorney. Regardless, under both the ABA and California Law, Rex is within violation because the statement is misleading.

Duty of Competence

Under the ABA, an attorney must act competently by

providing the legal knowledge, skill, and accuracy for their clients. California follows similar law but with the addition that lawyer must not continuously and recklessly create negligent misconduct.

Here, the fact states that. Rex has been sued for Malpractice on four separate occasions. The facts are unclear reasons for malpractice but nether-less an attorney sued on four separate occasions is sufficient for a violation of competence. And it follows that four malpractice suits are confirms with California with consistent contingent misconduct as well.

Duty of Transparency

An attorney must be transparent and honest about all aspects of the attorney client relationship over the course of representation.

Here, Rex violated the duty because Rex has told his clients about his previous malpractice suit. The facts state that Rex still receives no client. New clients and former client's should know about Rex's status attorney with four malpractice suits.

Failure to Report Misconduct

If an attorney is aware of another's attorney misconduct, then the attorney must report the misconduct.

Here, Rex is aware of the that Nancy is unauthorized to practice law in the state of California. But Rex failed to report the of the misconduct to the appropriate

authorities.

Duty to Resolve Claims

An attorney has a duty to resolve pending litigation actions from former clients

Here, Rex has failed to resolve pending litigation against former clients. Rex has four malpractice suits against him, but ignores them because he believes the claims are frivolous.

Duty to communicate

An attorney has a duty to communicate promptly with current and former clients.

Here, Rex violated the duty to communicate by not responding to the the lawsuits from his former clients.

2.

Jurisdictional Violation

Under both the ABA and California, an attorney may not represent in the jurisdictions where they are not permitted to practice.

Here, Nancy is representing her client in a real estate transaction that is happening in California. But Nancy is licensed with the state Arizona not California. Thus, Nancy committed an ethical violation by practicing in an area she was not permitted too.

Question #3 Final Word Count = 532

END OF EXAM