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What Ethical violations has Allison committed in respect to:

A. Request for Season tickets to Davos game?

Duty of competence

Under ABA and CA rules, an attorney has to be knowledgeable, and competent to represent their client. In CA the attorney also has to be knowledgeable and competent to represent the client as well as be mentally, physically and emotionally prepared to represent their client.

In this case, there was a breach by Allison of her duty of competence when she asked Davos to gift her tickets to his games if she prevailed on his criminal case. Allison as a competent attorney should know she is not allowed to receive any compensation in a criminal case for a promise for an outcome. Allison here asked for the tickets if she prevailed in the criminal case, by doing so she breached her duty of competence under ABA.

Under CA law she also breached her duty of competence, because she was not competent with her ask of Davos. Allison violated the rules by not being competent and it showed when she asked for tickets in exchange of a verdict. Which she knows is not allowed in criminal cases.

In criminal law you cannot have any contingent retainer agreements because they are not allowed. As an attorney you can never promise an outcome in a criminal case or do a retainer contingent on an outcome. Contingent retainer agreements are allowed in CIVIL CASES NOT CRIMINAL CASES.

An attorney cannot take a gift from a client in exchange for a verdict.

Under ABA rules, an attorney cannot intermingle their assets with that of their clients, they also cannot take gifts from clients or request gifts with a promise in return for prevailing in a case. In CA the attorney can take gifts after the case is over, and it has to not be significant. Under CA they cannot get a gift in exchange for verdicts.

In this case, Allison violated the fundamental rule of not receiving gifts from a client or requesting gifts from clients under CA and ABA law.

B. Payments to Wilfred

Payments to by witnesses are not allowed for lay witnesses.

Under ABA and CA in general in criminal cases, you cannot pay a lay witness in exchange for his/her statement. In CA If you do pay them it has to be reasonable pay for their time. For example if he testifies an hour, he is entitled to an hour of his regular pay.

Allison violated the ABA law when she pay Wilfred in exchange for his statement in court. This was not allowed. Under ABA you can only pay expert witnesses.

Allison also violated CA law, when she paid Wilfred his hourly fee and his tips at the restaurant because this was not considered reasonable. The hourly fee was reasonable however, the tips were not reasonable since they were not part of his hourly wage. Also, Allison told Wilfred she would only pay him if he did not meet with prosecution before trial.

Duty of fairness

An attorney has a duty to act fair towards its opposing parties under ABA and CA rules. Also, Under CA and ABA rules an attorney Cannot bribe a witness.

Allison violated. the duty of fairness when she paid Wilfred in exchange for not meeting with prosecution before trial. She is also subject to sanctions for interfering with the court process.

C. Payments to Eileen

Expert payments

Payment to experts under ABA and CA rule are allowed as long as the fee is reasonable.

In this case the payment to Eileen was reasonable but there is a conflict of interest here because Allison is asking Eileen to lie. She asked Eileen to come to her office and she and Eileen agreed that the video did show strong evidence of assault. At this point, Eileen as an expert witness is not allowed to lie to the court. Expert witnesses have to take an oath and give their honest opinion in regard to their expertise.

Allison's payments to Eileen although reasonable are a problem because she only paid Eileen the fee once she agreed to testify there was no assault.

Conflict of interests

A conflict of interest arises when the attorney represents adverse clients, violates the clients interests, or brings in their own interests to the litigation

When there is a conflict of interest and attorney has to inform the client of the conflict of interest and can only continue to represent the client if the client gives informed consent to the representation.

Here, there was a violation by Allison because she had her own interests in the litigation because she was willing to bribe Eileen in order to receive those tickets from Davos. The minute there was a conflict she had a duty to inform Davos of what Eileen saw, and ask how he wanted to proceed with her opinion whether to use it at trial or not. Instead of doing so, Allison paid Eileen \$500 to lie to the court.

D. Presentation of Eileens Expert opinion

Duty of diligence

Under ABA rules an attorney has to be diligent and prompt when working with the court. Under CA an attorney needs to be diligent and prompt as well as not act intentionally, recklessly and repeatedly negligent towards his client and the court.

Here Allison violated her duty of diligence because she presented Eileen's expert opinion knowing there was no basis for it. As such, she violated the ABA rule. She also violated the CA rule for diligence because she intentionally, recklessly, and repeatedly acted negligently towards the court and her client. Allison knew that an attorney cannot bribe an expert, she has a duty to be fair in criminal trials, especially towards her client. She knew that Eileen's testimony was based on a lie, and she still offered it to the court.

Allison had a duty to inform the court of the conflicting statement by Eileen, but more importantly she should have not bribed her, and Allison should have convinced Eileen to not testify if her testimony was going to be tainted.

Mandatory withdraw

Under ABA and CA rules An attorney has to withdraw mandatory when he acts against the rules or professional conduct, or when he acts in furtherance of a crime.

Permissive withdraw

Under ABA and CA rules, permissive withdraw is allowed when there is a substantial disagreement between the client and attorney.

Allison should have asked for a mandatory withdraw since she violated the rules of ethics, and by continuing representation she just harmed her client.

E. Allison's statement in closing argument?

Duty of Candor

Under ABA and CA rules an attorney has a duty of candor to the court. They cannot lie to the court or bring in frivolous claims that will interfere with the justice of the court.

In this case, there was a violation of the duty of candor by Allison when she told the court and reiterated the lie, she paid Eileen the expert to tell. Allison should have never mentioned it by doing so she is subject to sanctions for breaching her duty of candor to the court.

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