1)

Forming Client Relationship

A relationship is created when a client seek advise from a lawyer and reasonably believes that lawyer represents them. Unless lawyer expressly denies or fails to inform client, representation relationship is formed. A lawyer who represents an organization shall make it clear that they are only representing the organization and not the constituents.

Here, Northwest is organization because it is a securities firm and Arthur (A) represents the organization. From the given facts A never informed Cooper (C) who is lower securities analyst for northwest since he frequently seeks advice from A and reasonably believes that A is his lawyer.

Thus, relationship is formed with C.

Conflict of Interest/ Duty of Loyalty

A lawyer shall not represent a client if the clients interests are adverse to each other, lawyers ability to represent clients materially limited due to his personal interest, if lawyer represented other party previously (former client). A lawyer shall put the client's interest above the other interest all the time. Attorney may represent clients at the same time if the lawyer reasonably believes that lawyer can represent them both competently and diligently.

Current Conflict

Here, A represents both Northwest (N) and C at the same time. There may be conflict of interest between N and C in the event of dispute between them such as employment related suits. However, it is not given in the fact such suit is present and it is unlikely that A's ability to represent C in unrelated matters in his personal legal matters because A can reasonably represent C without affecting N's interests.

Thus, there is no material limitation between representation of C and N at the same time.

Sexual Relationship With a Client / Conflict of Interest (Personal Interest)

Under ABA, A lawyer shall not conduct sexual relationship with a client unless the relationship is started before the representation. In California a lawyer may engage in sexual relationship if the client is lawyer's spouse.

Here, A did not engage sexual relationship before the presentation because they did the deed while attending a business related conference for N for the first time. Moreover, there is no fact suggests that C is A's spouse. Since now A has personal interest in the matter his ability to represent C and N may be affected because lawyer might develop an emotional connection with C and it may affect his representation C and N at the same time. Moreover, A's ability will also be affected to represent C in her personal legal matters because after sexual relationship with a client it is unlikely for a lawyer to be unbiased against the client.

Thus, A violated his duty.

Duty to Self Report

Under ABA and CA , A lawyer shall report them-self when the lawyer is criminally charged, fined over 1000$, sued for malpractice more than three times in last twelve months, become mentally incapacitated or engage in activities that affect his fitness for the profession.

Here, A did not notify the State bar of California about his criminal charge since he was arrested for DUI of alcohol and subsequently pled guilty to misdemeanor charge and did not notify anyone for his conviction. Although a simple one time DUI charge may not affect his fitness for the profession, A should have notify the state bar for the conviction because in the event of repetitive DUI cases against A may raise a concern that A's disregard the laws as a lawyer and it may cause him to lose his license.

Thus, A violated his duty.

Duty of Competence

A lawyer shall possess knowledge,skill, thoroughness to reasonably carry out the representation. In CA a lawyer shall not knowingly,intentionally, repeatedly, recklessly fall below the standard. A lawyer may become competent with a reasonable preparation.

Representation of GreenAcre (G)

Here, although A told that he can easily handle these matters A did not have the skill and knowledge to create a nonprofit corporation for G because he never done such type of work before. However, A tried to obtain knowledge and skill since he used free AI tool to fill out the form. However, A did not have the thoroughness because he never verify the information before submitting his application to IRS and it was rejected as a conclusion.

Thus, A is not competent

Representation of Cooper

Here, A likely had knowledge and skill for representing C since he's been C's long term attorney. However, a competent lawyer would not engage in sexual relationship with a client knowing that it would violate ABA.

Thus, he was not competent.

Duty of Diligence

A lawyer shall represent their clients diligently, In CA a lawyer shall not knowingly,intentionally, repeatedly, recklessly fall below the standard.

Here, A did not act diligently because he never verify the information before submitting his application to IRS and it was rejected as a conclusion.

Thus, he violated his duty.

Duty of Communication and Fairness

A lawyer shall keep the client reasonably informed. A lawyer shall not lie to client.

Here, A did not keep G informed because A told that he can easily handle these matters he did not disclose that he never done such type of work before. Since A lied to G and never seek consent A violated his duties.

Duty of Confidentiality

A lawyer shall not disclose confidential information of the client without seeking informed consent confirmed in writing (ABA) and informed written consent (CA), authorized to do so, if the disclosure for avoiding substantial bodily harm or death (ABA and CA), to avoid fraudulent conduct used by attorney's services (ABA).

Here, A disclosed G's privileged information because he put their information to free open AI tool to fill out the application. From the facts he never obtained consent of G to do so or implicitly authorized to disclose any information because G trusted A's ability since he told that he can easily handle these matters. Although A may argue that it is only an AI tool so it was not disclosed with a third party, his argument will likely fail since most AI tool shares and collects personal information of the users.

Thus A violated his duty.

END OF EXAM