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Organization as Client

When an organization retains a lawyer, the organization is the client of the lawyer.

Here, Arthur a California lawyer works as in-house counsel for Northwest Fidelity Fund(Northwest), a securities firm. Cooper is a low-level securities analyst for Northwest and frequently confers with in-house counsel, including Arthur for legal advice. Northwest is Arthur's client, Cooper is the constituent conferring with Arthur. Accordingly, Northwest is Arthur's client. Cooper is also Arthur's client on behalf of Northwest.

Sexual Relationship with Client

Under ABA and California authorities, a lawyer may not have sexual relationship with his client unless the consensual relationship existed before the attorney-client relationship.

Here, Arthur and Cooper engaged in consensual sexual relations for the first time while attending a business-related conference for Northwest. The consensual sexual relationship didn't exist before the attorney-client relationship. Arthur violated the rule of sexual relationship with client.

Thus, Arthur violated the rule of sexual relationship with client both under ABA and California authorities.

Report of Own Misconduct

Under ABA rules, there is no requirement of lawyer's own misconduct. Under California law, a lawyer must report his own criminal conviction, sanctions over $1 thousand, or three times sanctions in a year to the State Bar.

Here, Arthur was arrested for driving under the influence of alcohol and subsequently pled guilty to the misdemeanor charge. Arthur did not notify anyone of his conviction.

Thus, Arthur violated California's rule for self-report but not ABA rules.

Duty of Competence

Under ABA rules, a lawyer must have the legal knowledge, skills, thoroughness and preparation necessary for the representation. He may associate with another lawyer of competence if he doesn't have the competence. Under California law, a lawyer may not repeatedly, intentionally, recklessly or with gross negligence represent a client without competence. He may associate with another lawyer of competence to represent the client absence of competence except for emergency legal consultation.

Here, Greta, the president of Greenacre, a local volunteer organization, asked Arthur to create a nonprofit corporation for Greenacre. Arthur told Greta that he could easily handle these matters for Greenacre. However, Arthur had never done this type of work before. He was an in-house counsel for a securities firm, creating a nonprofit corporation doesn't fall in his area of practice. He didn't associate with another lawyer in this field. Accordingly, he was not acting competently

for Greenacre.

Thus, Arthur violated the duty of competence both under ABA and California authorities.

Duty of Diligence

Under ABA rules, a lawyer must represent the client in a diligent manner to safeguard client's interest. Under California authority, a lawyer must not repeatedly, intentionally, recklessly or with gross negligence act without diligence in the representation.

Here, Arthur used a free, open artificial intelligence tool to fill out the application for nonprofit status and did not verify the information. Ultimately, the Internal Revenue Service rejected Greenacre's application for nonprofit status because the forms had not been properly prepared.

Thus, Arthur violated the duty of diligence under both ABA and California authorities.

Duty of Communication

Under ABA and California authorities, A lawyer must communicate with the client to keep the client informed of progress of the representation.

Here, Arthur failed to timely inform Greenacre of the progress and his inability to file for proper forms, resulted in his violation of duty of communication.

Thus, Arthur violated duty of communication under ABA and California authorities.

In conclusion, Arthur violated duties of competence, communication, consensual sexual relations with client under ABA and California authorities and he violated duty of report of own misconduct under California authority.

END OF EXAM