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1. What ethical violations, if any, has Laura committed?

California attorneys owe their clients a duty of competence; loyalty; financial responsibility; and confidentiality. Here, Laura's (L) conduct has implicated several of these duties. I will address each in turn, beginning with the suite that Laura (L) with Alex (A) share.

- **Law Firm**

L and A's respective duties depend upon whether they will be considered as a firm.

A law firm can be established as a general partnership, which does not require a written agreement to be enforceable. A general partnership is created when two or more people agree to carry on a business for profit. In the absence of a written agreement, a court will look at the intent of the parties.

Although L and A use separate letterheads, business cards, and telephone numbers, they share several things such as a conference room, a printer, and a receptionist. The facts that they both share the common areas of the office, as well as an employee, tends to show their intent to carry on as a firm.

If the court finds that L and A established a firm, then they will both be liable for ethical violations imputed to them as a firm.

- **Duty of Loyalty**

An attorney must represent the client's best interests and therefore cannot be **materially limited** by any financial or personal interests or the interests of another client or third party. A conflict of interest arises when the interests of one client are **materially adverse** to the interests of another client. If the court determines that L and A are a firm, then such conflicts will be imputed to both L and A.

One attorney's conflict of interest will impute the entire firm. In such case, the firm can continue representation so long as the (1) conflicting attorney is **screened** from the case and does not receive any **fees** related to the case and (2) the client gives their **written informed consent**.

Assuming that the court finds that L and A created a firm, A's representation of Henry (H) conflicts with L's representation of H's wife, W, in their divorce proceeding. As a result, L committed an ethical violation by agreeing to represent W. In addition, A committed an ethical violation because she is materially limited in her representation of W by her personal relationship with her son, Sam (S).

- **Duty to Communicate**

An attorney has a duty to communicate with and inform their client about events going on during representation. Here, L never mentioned the deed to W because she did not want S to get in trouble. However, by not communicating the deed to W, W ended up receiving a lower award of child support based on H's incorrect financial statement. As a result, L committed an ethical violation by not communicating the deed to W.

- **Duty of Confidentiality**

An attorney cannot disclose any **confidential information** related to their client. This duty is **broader than the attorney-client privilege**, which only prevents an attorney from disclosing confidential communications made during the course of seeking representation. Here, the deed is confidential information related to W. L never disclose the property deed. Therefore, L did not commit an ethical violation by not disclosing W's confidential information. However, L's nondisclosure may subject her to violation under her duty of candor to the court.

- **Duty of Candor**

In addition to their client-owed duties, an attorney also owes duties to the public. Under the duty of candor, an attorney cannot **knowingly mislead the court** by offering **false evidence or statements**. Here, L never disclosed the property deed to the court. As a result, the court entered a judgment in favor of H on the basis of a financial statement which L knew was false. Therefore, L committed an ethical violation by not countering H's false statement by offering the court the deed.

- **Duty of Fairness to Adversaries**

Under this duty, if an attorney inadvertently receives confidential information from the opposing party, then the attorney must immediately **notify the sender** and **refrain from further investigating** the confidential information. Here, L read a document to A inadvertently left on

the printer by S. L needed to reading investigating the document at the point when she realized the confidential nature of the document. Instead, L did not stop reading the document and inform H or A.

2. What ethical violations, if any, has Alex committed?

- **Duty of Loyalty**

If the court determines that L and A are a firm, then L's representation of H imputes a conflict of interest onto the firm. Under this rule, as stated previously above, they needed to obtain H's informed written consent.

- **Duty to Safeguard Client Property**

An attorney has a duty to safeguard client property. Here, S left H's property deed on the office printer where anyone can simply pick it up. Therefore, A did not safeguard H's property and as an employee of A, S's professional misconduct will be imputed on A.

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