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A. Request for Season Tickets to Davos games?

Attorney Client relationship begins when the client retains the attorney. Davos a professional athlete, retained Allison with a written retainer. There is attorney client relationship between them.

Gift:

ABA is not allowed for an attorney to solicit a give from her client. However, a small thank you gift is acceptable. Here, Allison asked Davos to gift her season tickets to Davos' games if she prevailed in the criminal case. Allison solicit because Allison asked Davos. The gift is not small because it is a season ticket, which usually costs substantial. Allison might argue that the ticket is part of her fee; thus, it is not a gift. However, this argument is not persuasive because they have already made a valid written retainer agreement and the gift (most likely) is not on the agreement. Therefore, under ABA, Allison is subject to discipline.

California rule is also not allowed for attorney to induce her client for a gift unless an independent attorney certified the gift is not under duress. Here, Allison asked Davos for the season ticket, this is considered as inducing a gift. Allison did not advice any independent attorney to investigate and certify the gift. Although Allison may argue she is going to ask an independent attorney to certify when she actually wins the case which suggest she has not violated the professional rule yet, this argument is not persuasive because she has already asked Davos and did not mention anything about to consult to an independent attorney. Therefore, Allison, under California rule, is subject to discipline.

Financial Duty

Allison breached her financial duty to disclose at the time of agreement how to calculate the fee because she did not explain about the season tickt. Therefore, she breached financial duty.

Duty of Competence

An attorney must work diligently and has skills. Here, Allison did not work diligently because before the trial, she has already asked the gift. Therefore, Allison is not competence.

B. Payments to Wilfred?

Payment to a Lay witness

There are two types of witness, Lay witness and Expert witness. Lay witness is one who has personal knowledge to the subject matter, but does not have a specific skill, professional experience, or educations. An attorney is allowed to compensate a lay witness for a reasonable amount, such as transportation, small hourly pay. Here, Allison agreed to compensate Wilfred Wilfred is waiting tables at the restaurant for an hourly fee, roughly equal to his hourly wages,

and tips at the restaurant, which is reasonable because it is the generally same amount as he makes in the restaurant. However, the compensation for the and entire day of preparation might be questionable because he is not in the court and it is not mandatory to prepare for the testimony. He might needs practice or preparation because he is a waiter, not legal professional and wanted to practice. However, the compensate all day seems too much.

However, Allison still violated her ethical rule because she told him she pays only he refused to meet with the prosecution before trial.

Therefore, Allison is entitled to compensate Wilfred for his time in testifying; however, she should not pay for all day for just preparation to Wilfred, and she violated the ethical rule to not meet the prosecution.

C. Payments to Eileen?

Expert Witness

An expert witness is a witness who has specific knowledge, skills, and education. To be qualified under ABA, the court use Durbert standard that requires his theory is published and peer-reviewed, low or known error rate, re-testable, and his theory is generally accepted to the professional community. Here, Eileen may not be qualified for the expert because she did not publish her theory on peer-review or not showing error rate. In California, the court use Kelly's standard that require the expert's theory is proved and accepted by the professional community. Here, the facts do not indicate Eileen's theory. However, she might argue she have an experience, so for the judge's description, she might be qualified. If the court agree that she is an expert, Eileen is entitled to compensate to her, and \$500 seems reasonable.

D. Presentation of Eileen's expert opinion

Duty of Candor

An attorney must be truthful to the court. Here, Allison knew Eileen's is fabricating her testimony and Allison actually saw the video together. Allison even encouraged Eileen to testify that there is no assault.

Duty of Fairness: Adverse evidence:

An attorney shall not hide any evidence. Here, Allison tried to hide what they saw on the video because the video is not clear. Allison also must convince her to not fabricate the testimony. Under ABA, after convincing, still not working, she may tell to the judge. In California, she cannot tell the judge.

After the testimony, Allison still convinces her to recant.

Therefore, Allison breached her duty to Candor.

E. Allison's statements in closing argument?

Duty of Candor (See the rule above)

Again, Allison breached duty of candor because in her closing argument, she argued that the video showed that there was no assault, which is her opinion and she knew it was not true.

Duty of Decorum

An attorney should be appropriate. Allison breached this duty because she fabricated the facts.

Therefore, she breached duty of candor and decorum.

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