

THE UNIVERSITY OF BRITISH COLUMBIA PETER
A. ALLARD SCHOOL OF LAW

FINAL EXAMINATION – APRIL 2020

LAW 468.005
Ethics & Professionalism

Shannon Salter

EXAMSOFT PASSWORD:
EXAMSOFT RESUME CODE:

TOTAL MARKS: 150

WRITING TIME ALLOWED: 2 HOURS
PREPARATION TIME ALLOWED: 10 MINUTES

Preparation Time has been given to download/print/set up for your exam once the exam has been made available online through Canvas. This time cannot be used for writing exam answers. All exam answer uploads will be monitored to ensure that typing of answers only occurred for the allotted Writing Time.

This is an open book examination, meaning that you can refer to class notes, casebooks and other class readings. The use of library books is not permitted.

Any exam answers that raise suspicion of breaking any restrictions outlined on this cover page may be subject to being processed through academic integrity software.

If you think you have discovered an error or potential error in a question on this exam, please make a realistic assumption, set out that assumption clearly in writing for your professor, and continue answering the question.

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As this exam is being written off-campus and is unsupervised, any communication whatsoever (including but not limited to in person, telephone, e-mail, text, social media etc.) concerning the contents of this examination with anyone (other than your instructor or staff of the Allard School of Law) is strictly prohibited.

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Your Exam Code, Course Number, Name of Course, and Instructor Name
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LAW 468, Section 5

Part A (Problems)- Answer 4 of the 5 problems in Part A. Each problem is worth 30 marks and the recommended time for completion of Part A is 90 minutes. DO NOT ANSWER ALL 5 PROBLEMS. Assume all of the facts take place in British Columbia.

- A1** Meena is an employment lawyer who usually advises employers. Meena reads a lot of stories on social media about workers who have been laid off without notice or compensation as a result of the COVID-19 pandemic. Working at home, and with a little more time on her hands, Meena reaches out through Twitter and offers to answer questions from workers about their rights. George is a janitor at a local arena, Vancouver Stadium, who asks if he is entitled to any severance as a result of his abrupt termination. Meena answers George's question in a thread of tweets, and George thanks her. He says he may have more questions later but really appreciates Meena's help. Later that week, Vancouver Stadium contacts Meena's firm about representing it with respect to several broken contracts with musicians who had been scheduled to perform at the arena, but who had cancelled due to the outbreak. Meena's firm quickly signs a retainer with the arena, grateful for the work. On these facts have Meena and/or her firm met their professional obligations?
- A2** Jerry calls his elderly aunt to see how she's feeling. She says she's feeling great and nothing can touch her because of these superpower vitamins she's been taking. She sends Jerry a Facebook ad for a vitamin subscription service which claims its products are guaranteed to ward off all kinds of illnesses. Jerry is furious, and writes a flurry of comments on the Facebook ad, including one that states, "You snake oil merchants should be ashamed of yourselves. You'll have blood on your hands before long, and when you do, I'll be pressing charges." It turns out the vitamin company is owned by Tom, who runs it as a side-business from his garage. His day job as a lawyer is preparing wills from his home office, which is conveniently connected to the garage. This helps him sell vitamins to some of his clients, who are already contemplating their own mortality due to the will preparation. On these facts, have either Jerry or Tom violated their professional obligations?
- A3** Frida is in-house legal counsel for a pharmaceutical company. The company was awarded a government contract to produce a million doses of a vaccine in 6 months. If the company fails to meet this deadline, there are stiff financial penalties. Frida becomes aware that, due to supply shortages, the company has been using less of the necessary ingredients in each dose, and it's unclear whether this will affect the vaccine's effectiveness. Frida is concerned, especially when she finds out that the company is the only vaccine supplier in British Columbia, where

her wife and children live. One night, while getting ready for bed, Frida casually mentions to her wife that she should go over the border to the US to get the vaccine and not take the one offered at her local clinic. When Frida's wife asks why, Frida says she can't explain but emphasizes that it's *really* important. Frida is concerned about the company's behaviour. What advice would you give her about her situation?

- A4** Karen has been charged with shoplifting. When she comes in for her appointment, she confesses that she stole several packages of toilet paper from a grocery store in a panic. When you tell her that this will limit the kinds of arguments you can make at trial, she changes her story and says she was just joking. "Haha, who would steal toilet paper?" she exclaims nervously. You ask her a number of follow up questions and Karen provides inconsistent answers. At the trial, Karen doesn't testify, but the grocery store security guard provides strong eye witness testimony. In cross-examination, you ask him, "you were never closer than about 15 feet away, how can you be sure it was the accused you saw?" Shaken by the strength of the evidence against Karen, you approach the Crown to work out a plea deal. When you bring the deal to Karen, and ask her if she agrees, she simply nods her head. You explain the details of the deal to the judge who accepts the plea. Have you met your professional obligations in these circumstances?
- A5** Before law school, Cherry supplemented her meager income as a call-center employee by taking on low level computer hacking jobs. Cherry had a strict moral code though, and would only take on jobs which hurt corporations, and not individuals. Mostly the jobs involved changing credit scores and erasing credit card and student loan debt. When she applied for admission to the law society, Cherry did not disclose her computer hacking background. She figured that it was untraceable, given that she only operated on the dark web and never used her real name. However, one night Cherry and her best friend Apple, who was a year ahead and had already been called to the bar, had a few too many quarantinis over a virtual happy hour. Cherry told Apple everything. Apple was appalled and told Cherry that if she didn't tell the law society then Apple would. Cherry reluctantly agreed, and rounded up several references from professors. She hinted to the professors that she was good with computers, and had sometimes gotten into some mischief, and so needed the references to reassure the law society. She provided the letters and a vague account of her past to the law society. Has Apple adhered to her professional responsibilities as a lawyer? What is the likelihood that Cherry will be admitted to the law society?

PART B ON FOLLOWING PAGE

Part B. (Reflective Essay)- Answer the one question in Part B. Your answer is worth 30 marks and the recommended time for completion of Part B is 30 minutes.

The Law Society of BC recently removed the “mental fitness” question from the application for admission form. There has been no decision yet on what, if anything, should replace it. Do you think there should be a role for law societies in regulating any aspect of a lawyer or their practice involving mental health? Please explain your answer.

END OF EXAMINATION