

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

FINAL EXAMINATION – DECEMBER 2020

LAW 468.003
Ethics and Professionalism

Professor Affolder

EXAM PASSWORD: NHy63W
RESUME CODE: ABB463

TOTAL MARKS: 100

(8:50 AM PST) **PREPARATION TIME ALLOWED: 10 MINUTES**

(9:00 AM PST) **WRITING (INCLUSIVE OF READING) TIME ALLOWED: 3 HOURS**

8:50-9:00 AM Preparation Time (Exam writing not permitted) – This time is given to students to download/print your exam questions once the exam has been made available online on Canvas, to read the Exam Password on this exam coversheet, to enter the Exam Password for the exam in Exemplify, and to progress in Exemplify until you see the **STOP SIGN**, where you will **WAIT until 9:00 AM. DO NOT proceed past the STOP SIGN. DO NOT begin typing your exam answers in Exemplify until 9:00 AM!**

9:00 AM Exam Writing Time – At 9:00 AM, you may proceed past the **STOP SIGN** in Exemplify and begin typing your exam answers. Students are required to calculate and monitor their own time for writing exams. All exam answer uploads will be monitored to ensure that typing of answers only occurred during the allotted Exam Writing Time.

This is an open book examination. What that means is that you may consult any of your course materials (assigned readings, powerpoint slides, your notes and condensed notes, and the course textbook) while writing this exam. You may not consult resources beyond that. This means that you are not to consult other resources on the internet nor other human beings during the exam reading and writing time. The only people you may consult during this exam are, as discussed below, Student Services (in the event of an exam problem) or Bernie Flinn (in the event of a technology-related issue).

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. Do not email your professor or anyone else about this while the exam is in progress.

ACADEMIC INTEGRITY

Any exam answers that raise suspicion of breaking any restrictions outlined on these cover pages may be subject to being processed through academic integrity software. Students typing exam answers before or after the allocated exam writing time may receive a grade penalty.

CONFIDENTIALITY REGULATIONS – READ CAREFULLY

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 the Student Services staff of the Allard School of Law) is strictly prohibited.

In the event any information comes to your attention regarding a breach of these regulations (by others, or inadvertently by you), please immediately contact Student Academic Services (studentservices@allard.ubc.ca) and make full disclosure.

A breach of these regulations may constitute student misconduct, and you may be subject to penalty or discipline under UBC's Academic Misconduct policies.

What Do I Do If:

- **I cannot access the exam questions on Canvas**

If you experience technical difficulties accessing the exam questions on Canvas, email studentservices@allard.ubc.ca and the exam questions will be emailed to you. Please provide your phone number when emailing Student Services.

- **I'm experiencing technical difficulties DURING THE WRITING of the exam**

If you experience technical difficulties with Exemplify at the very beginning or during an exam, you may attempt to solve your problem/reboot your computer **BY YOURSELF**. You are **STRONGLY** encouraged to spend **NO MORE THAN 5 minutes** attempting to do so. You will **NOT BE GIVEN ANY EXTRA TIME** to complete the exam. **If your attempt to solve the problem is unsuccessful**, or if you choose not to make such an attempt, you **MUST** immediately **begin hand-writing** your exam answers with pen on lined paper. **You may NOT type your exam answer in word-processing software.**

When you have finished writing the exam, you must upload the exam answers that you completed in Exemplify (if you are prompted for a Resume Code, it is on the coversheet of the exam questions). Email Bernie Flinn, flinn@allard.ubc.ca, for help with this. Please provide your phone number in the email. Bernie or another IT Support staff person will then help you to upload any answers that you typed in Exemplify.

You must also upload to Canvas your hand-written exam answers into the "Exam Answer File Upload (Word Processor or Hand-written ONLY)" folder. Scan or take a picture of each page (.jpg) of your exam and put them into one folder to upload.

Your answer file should be named, and the coversheet of your answers should be titled with:

Your Exam Code, Course Number, Name of Course, and Instructor Name
i.e., **9999 LAW 468.003 Ethics and Professionalism – Affolder**

- **I'm experiencing technical difficulties EXITING and UPLOADING the exam**

If you experience any difficulty exiting and uploading your Exemplify exam answers, you must wait until the allocated time period specified on the coversheet of the exam has ended, then email Bernie Flinn, flinn@allard.ubc.ca, and he or another IT Support staff person will help you to upload your Exemplify exam file. Please provide your phone number in the email.

If you have approved accommodations to type your answers using Word Processing Software, and experience difficulties uploading your exam answer file to Canvas, email your exam answer file to studentservices@ubc.ca.

- **I fall ill in the middle of an exam, or am otherwise interrupted such that I'm unable to continue writing my exam**

Please stop writing, note the time that you stopped, and email studentservices@allard.ubc.ca immediately to notify them and discuss options. Please provide your phone number when emailing Student Services.

ADDITIONAL EXAM INSTRUCTIONS:

There are two essay questions that must both be answered. They are of equal weight.

In marking this assignment, I am looking for:

1. Thoughtful answering of the questions asked (relevance of your answer to the question asked, independent and original thought in answering the question, persuasive synthesis of the materials referenced).
2. Clear and coherent presentation of your arguments including precise and correct use of legal terminology and concepts.
3. Demonstrated understanding and use of the course materials, including concepts, principles, scholarly literature, cases, and readings introduced in both lecture and lab classes. This includes accuracy in legal analysis, and ability to explain and synthesize the concepts, rules and arguments across issues examined in this course.

You are not expected to use footnotes or any form of complete citation but I do expect you to explicitly reference materials that we have discussed in class and that you have read for class. Do this as succinctly as possible (e.g. you can reference the Skeleton Case or *R. v. Neil*).

END OF EXAM INSTRUCTIONS

LAW 468, Section 3

Question 1 (50 marks)

Canadian lawyers are somewhat limited in their freedom to choose to represent clients, to refuse to represent clients, and to withdraw from representing clients. Discuss the limitations on these freedoms and what they reveal about some of the larger tensions facing the legal profession in Canada.

Question 2 (50 marks)

“Professional conduct is, I believe, shaped by three important factors – the personal characteristics of the lawyer, the professional circumstances of his or her [or their] practice and the ethical economy of the profession.” H.W. Arthurs, “The Dead Parrot” at 803.

Do you agree with Professor Arthurs? Analyze this statement, drawing attention to the ways in which the materials we have examined in this course support or challenge this view. Please include in your answer insights emerging from at least one of the lab exercises (that is to say, any Friday class) in which you participated this term.

END OF EXAMINATION