

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

FINAL EXAMINATION – April 2021

LAW 468.005
Ethics and Professionalism

Shannon Salter

EXAM PASSWORD: bA7nNR
RESUME CODE: B14AB9

TOTAL MARKS: 150

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

(9:00 AM PDT) **WRITING (INCLUSIVE OF READING) TIME ALLOWED: 2 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.

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 this cover page 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 100.001 Law of Exam Taking – Galileo**

- **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@allard.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.

LAW 468.005

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** May is a criminal defense lawyer representing Jon, a young man charged with drug trafficking. May is a single parent of young children who has been working from home without childcare for months due to the pandemic. She is exasperated and is working very long hours, at the legal aid tariff, to manage her caseload and pay her expenses. The night before Jon's trial, she realizes that she forgot to track down a witness statement from Jon's brother, who Jon says will provide an alibi. When she reaches him on the phone, May scrambles to get him ready for trial, and gives him a list of key points she needs him to cover. After Jon's brother badly fumbles his testimony at trial, May advises Jon to plead guilty. Jon reluctantly agrees, and even though she thinks this is the best thing for him, May is also relieved to have one less file to manage. On these facts, has May fulfilled her professional obligations?
- A2** Joseph is from a fictional country where, as a teenager, he was a member of a coalition of self-described freedom fighters seeking to overthrow a military dictatorship. He was charged and convicted of treason and served time in jail before fleeing to Canada. Joseph did not fully describe his history to immigration authorities when applying for refugee status, and he specifically omitted some instances where the freedom fighters participated in acts of violence against state officials. Ten years later, Joseph is graduating from law school, and is looking forward to practicing in international human rights law. He answers the questions in his application for admission to the law society honestly, and is now facing a good character hearing. You have been retained to represent Joseph. What would you tell him about how to prepare for the hearing, and the likely outcome?
- A3** Marcy is a lawyer in a small firm in the interior of BC. Her main client is the Chicken Processing Association which markets chicken products to grocery stores and restaurants. Marcy is approached by a new start-up, NoNuggets, which makes plant-based chicken substitute products. NoNuggets would like you to negotiate agreements for shelf space in local grocery stores. NoNuggets is owned by two sisters who are also wondering if you could draft an ownership agreement between them since they haven't done this yet. On this set of facts, which, if any, clients can you represent?
- A4** You represent Annie, who has been charged with breaking into her ex-partner's house to take some jewelry she says belongs to her. Annie tells you she is innocent and was with

Pat, her new partner, on the night in question. She says Pat has pictures of the two of them on her phone which proves this. You contact Pat, who tells you to talk to her lawyer, Carmen. Carmen initially refuses to talk about the pictures, but when pressed confirms they exist, and explains that Pat won't release them because she is married with children, which Annie doesn't know. Carmen immediately regrets telling you this and asks you to promise not to tell Annie. You reluctantly agree. On these facts, have you and Carmen both met your professional obligations? What, if any, options do you have to assist Annie?

A5

Bob is a lawyer who is good friends with his client, Gary. Bob and Gary go to their local fried chicken place every Saturday, and last Saturday was no exception. However, when they got to the restaurant they discovered that it was closed except for take-out and the staff insisted they put on masks before coming inside to place an order. Bob, whose practice had been severely affected by the pandemic, became enraged and berated the restaurant staff for "buying into this nonsense." He refused to wear a mask and demanded to be seated immediately. After a tense 5 minute stand-off, Gary persuaded Bob to leave. Gary is so appalled by Bob's behaviour that he immediately fires Bob and files a complaint with the Law Society the following Monday. Bob denies doing anything wrong, and tells everyone that Gary is a terrible client anyway who never pays his bills, which is why he's refusing to give Gary his file until his last invoice is paid. On this set of facts, has Bob done anything wrong?

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.

30 MARKS

(30 minutes)

If you could remove, add, or change three rules in the BC Code of Professional Conduct, what would they be, and why?

END OF EXAMINATION