

THIS EXAMINATION CONSISTS OF 4 PAGES
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THE UNIVERSITY OF BRITISH COLUMBIA
FACULTY OF LAW

FINAL EXAMINATION – April 2022

LAW 468
ETHICS AND PROFESSIONALISM

Section 003
Professor Salter

TOTAL MARKS: 150

TIME ALLOWED: 2 HOURS

- NOTE:
1. If writing by hand, candidates must fill in the front of each booklet provided. Failure to do so may result in the answers not being read. Please indicate the total number of booklets used on each booklet. DOUBLE SPACE YOUR ANSWER. WRITE IN INK.
 2. This is an open book exam. Candidates may take any non-electronic reference materials into the examination.

AT THE END OF THE EXAMINATION, PLEASE RETURN THIS
QUESTION PAPER TO THE INVIGILATOR.

LAW 468, Section 3

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. If information is missing, explain what it is and how it would affect your answer.

A1 Melissa is counsel for a municipality in a small northern BC community. She provided the mayor and council with a legal memorandum marked 'privileged and confidential' about rezoning a parcel of land to allow a large supermarket to be built. Melissa advised that the rezoning would not be legally possible, which vindicated the mayor's position. In a radio talk show, the mayor said that he would keep the big box stores out of the community, and "even the lawyers say I'm right about that!" Annoyed, Melissa went home that night and vented to her sister about the whole situation. A few months later, the supermarket sued the municipality, and requested disclosure of relevant documents. Melissa prepared the list, based on the documents in her files. She claimed privilege over the memorandum and all the other documents, stating this in a single sentence on the list of documents. On this fact pattern, has Melissa met her professional obligations?

A2 Paul has been struggling lately. He and his family got COVID in January and he fell significantly behind on his work, and is now scrambling to make deadlines and catch up on his billable hour targets. He also suspects he might have long COVID, as he is constantly tired and is experiencing brain fog. On one file, he noticed that he accidentally deposited client money into his operating fund, instead of his trust account, but he returned the money to the correct account within 24 hours. On another occasion he noticed that he had missed a deadline to file a document at the Land Title Office that he promised opposing counsel he would meet. He backdated the document and letter, and submitted it, hoping for the best. By April, the law society had notified Paul of four complaints against him by clients, and Paul decided he would respond to those once he had caught up and was starting to feel better, reasoning that his health had to come first. Has Paul met his professional obligations? What advice would you give Paul?

A3 Asha has been charged with murdering her spouse by slowing poisoning them with over-the-counter eye drops meant for treating red, dry eyes. Asha retains Curtis, a lawyer, to represent her. She tells Curtis that she didn't mean to poison the spouse – she mistook the packaging for that of artificial sweetener drops, which she used in her spouse's morning coffee. Curtis agrees to represent Asha,

even though criminal law isn't his main area of practice, thinking the murder trial sounds pretty glamorous, and he bets there will be a lot of media attention. He thinks that maybe he could even be a guest on a true crime podcast one day. Curtis' firm mainly focusses on product liability cases. The firm has been retained by a coalition of pharmaceutical companies which produce eye drops, among other medications, to sue the government over recently introduced product safety regulations, including packaging and label warning requirements. You are a senior partner at Curtis' firm and become aware of this situation. What, if anything, would you do?

A4 In university, Abby sometimes sold ecstasy to her classmates to help pay for living expenses. She was generally discrete about it, but was busted once by campus police, who involved the RCMP, which led to criminal charges, which were eventually dropped. After that, Abby decided it was better to work at the campus coffee shop, despite the lower remuneration. Abby later graduated from law school and applied for articles. She completed the law society articling application and checked 'yes' to the question about having been charged with an offence. In her explanation, she said that she had simply possessed the ecstasy, not trafficked it, thinking this would make the situation seem better. On the advice of her pro bono lawyer, she also lined up several character references, and gave them the same story about possessing, not trafficking, the ecstasy. The law society has called a good character hearing. You are one of the law society hearing panel members. What would you decide?

A5 Gerald is a lawyer turned podcaster. He comments on legal news stories of the day in a "loose" and "unscripted" manner. He is a free speech advocate and has broadcasted that people who wear masks are "sheeple" and public health officials are being bribed by big pharma to shill for COVID vaccines. He also suggested that Crown prosecutors who prosecute quarantine and health order violation tickets are getting a cut of the fine proceeds. You are a law society investigator, charged with handling dozens of public complaints about Gerald. Based on the information provided, what analysis and recommendation would you provide to the law society discipline committee?

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.

Considering the mandate of law societies, how do you see their role, if any, in improving the articling process and

**30
MARKS**

experience? What changes or initiatives would you like to see introduced and why?

(30 minutes)

END OF EXAMINATION