

**THIS EXAMINATION CONSISTS OF 3 PAGES (INCLUDING THIS PAGE)
PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER**

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

FINAL EXAMINATION – APRIL 2022

LAW 588
ETHICS & PROFESSIONALISM

Section 6
Professor Russo

TOTAL MARKS: 100

TIME ALLOWED: THREE (3) HOURS

NOTES:

1. This is an open book examination. You may only refer to any hard-copy materials.
2. Use of a laptop is permitted only for exam writing. Use of other electronic devices is strictly prohibited.
3. Communication with other individuals during the exam is not permitted.
4. Read the questions carefully and understand what you are being asked to do before you begin your answer.
5. Assume that all the facts in these questions take place in British Columbia.

THIS EXAMINATION CONSISTS OF THREE (3) PARTS

BE SURE TO ANSWER ALL THE QUESTIONS

GOOD LUCK!

**PART 1 – SHORT ANSWER (5 MARKS EACH - 50 MARKS TOTAL)
(RECOMMENDED TIME: 90-100 mins)**

Answer ALL the following questions, referencing relevant Code rules and/or Cases:

- a) What are some of the potential ethical issues in lawyer advertising and client solicitation?
- b) What are some of the ethical and professional considerations for in-house counsel?
- c) What are the duties of lawyers engaged in negotiations?
- d) What is the “bright line rule” regarding potential conflicts of interest?
- e) What are some of the considerations for pleading clients guilty to criminal charges?
- f) What is the difference between solicitor-client privilege and lawyer confidentiality?
- g) What are some of the main duties of a lawyer when counseling a client?
- h) What are the ethical limits of cross-examination in sexual assault cases?
- i) What are the professional requirements for communications between lawyers?
- j) If you could remove, add, or change two (2) rules in the BC Code of Professional Conduct, what would they be, and why?

**PART 2 – PROBLEMS (15 MARKS EACH – 30 MARKS TOTAL)
(RECOMMENDED TIME: 50-55 mins)**

Answer both of the following problems. In your responses, cite any code rules, policies, case law or any other relevant information to support your answer.

- a) Gurpreet is a businesswoman in Vancouver who has you on retainer to handle her legal affairs. During a meeting she tells you that a few months ago she signed a contract on her own, without your input or knowledge. She pulls out the contract and gives it to you, telling you that she now regrets signing the contract because of its awful terms. She then says she wants to intentionally breach the contract and pay any damages because she’ll be much better off financially and the alternative of performing the contract is much worse. You read the contract and agree with her assessment of the contract terms and her financial situation. What are your ethical obligations here and what would you advise Gurpreet to do?
- b) Donald acts for the federal government in litigation brought by the Homalco First Nation. The Homalco is a B.C. Indigenous band alleging that the federal government violated its fiduciary obligations in relation to natural resources on reserve lands. The band alleges that the government failed to maximize the value of land resources and profited at the band’s expense. Your substantive assessment of the claim is that the band is likely correct – the government’s conduct did breach its fiduciary obligations. However, a large part of the band’s claim likely falls outside the applicable limitation periods and is, consequentially, statute barred. Is it ethical for you to apply for the band’s claim to be struck on the basis that the limitation period has expired?

**PART 3 – SHORT DISCUSSION – (20 MARKS)
(RECOMMENDED TIME – 30-35 mins)**

Discuss ONE (1) of the following three questions:

1. SELF-REGULATION OF LAWYERS:

Do you think that granting the legal profession self-regulating status is the best way to protect the Canadian public's interest?

2. LIMITING UNAUTHORIZED PRACTICE OF LAW:

Do you think regulating the unauthorized practice of law is a good use of limited law society resources?

3. ACCESS TO JUSTICE:

How do you think "access to justice" should be defined?

END OF EXAMINATION