THIS EXAMINATION CONSISTS OF 3 PAGES

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THE UNIVERSITY OF BRITISH COLUMBIA

PETER A. ALLARD SCHOOL OF LAW

FINAL EXAMINATION – DECEMBER 2022

LAW 468

Ethics and Professionalism

Section 4

Chris Rusnak and Joel Morris

**TOTAL MARKS**: 100

**TIME ALLOWED:** 2 HOURS

plus 15 minutes reading time

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**NOTE:** 1. This is an open book examination.

 2. This examination consists of 10 questions totaling 100 marks.

 3. Answer all questions. 0 points will be awarded for blank responses.

MARKS

5 1. Why is an independent legal profession important?

15 2. You are contacted by potential new client(s) regarding a new file. You need to determine if you can act for the client(s) in that situation. Address each of these situations:

1. At the time you are contacted, you already have a client on an unrelated matter who is adverse in interest to the potential new client. Can you represent the new client? Why or why not? If the answer is yes, how?
2. Multiple parties want you to act for them in the same transaction or in litigation. Can you act for all of them? Why or why not? If the answer is yes, how?
3. Can your firm represent multiple parties in a transaction or litigation? Why or why not? If the answer is yes, how?

15 3. You are a criminal defence lawyer. Your client tells you they committed the offence they are charged with. Explain:

1. Can you plead them not guilty? Please explain.
2. Does what they told you affect how you conduct their defence? Please explain.
3. In the course of preparing for trial, you uncover evidence that your client may have been somewhere else at the relevant time and they may not have committed the offence. You discuss that with them. They tell you that they lied to you initially, and they never actually committed the offence. Can you call evidence at trial that they did not commit the offence? Please explain why or why not.

10 4. Explain the different duties you owe in your capacity as an advocate before the courts, and explain how you balance those different duties.

5 5. You are attending your annual Ugly Christmas Sweater Party. Your brother approaches you and asks to speak with you. They know you are a lawyer. They begin to tell you about a dispute they are having with a business partner, asking for your advice about whether to sue them, and how much they might get in damages. Before responding, what ethical and professional issues should you consider in this situation?

10 6. You are a prosecutor. A person asks you what it is like to “win cases” and “make sure that those criminals go to jail, because we all know they are guilty.” How do you explain the role of a prosecutor in our criminal justice system? Give examples to help explain the reasons for the ethical and professional obligations of a prosecutor.

10 7. You are representing your client in a litigation matter. The other side is unrepresented. Provide five examples of steps you should take in your dealings with the unrepresented party to ensure you meet your ethical and professional obligations and assist with the administration of justice.

15 8. You have recently settled a litigation matter. The settlement requires your client to pay the opposing party $100,000.00 in exchange for a written “release of all claims” signed by the opposing party. Your client has provided you with the money. You have not yet received the written release from the opposing party. Before you send the money to the lawyer for the other side, should you ask that lawyer for any undertakings? If so, what undertakings would be appropriate?

10 9. We referred to Chief Justice Allan McEachern’s paper *Professionalism* throughout the course. Given three examples of advice given in that paper that continue to apply, by reference to other material or discussion in the course.

5 10. Assume you are a senior lawyer.  A young associate at your law firm tells

you they are feeling a lot of anxiety which is making it difficult to focus on

their work.  What advice can you provide to this young associate?

**END OF EXAMINATION**