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**Law 750-001 Ethics
Summer 2014**

**UNM School of Law
Final Examination**

**Professor Stout
Thurs. July 24
Time: 3:30 – 7:00pm
(3.5 hours)**

Examination Format: Essay, Multiple Choice and True/False

Professor's Instructions

You are allotted three hours and thirty minutes (3.5 hrs.) for this final Ethics examination. The total number of points possible on the exam is 60. The exam consists of one essay question worth 25 points and 35 short answer, multiple choice and true/false questions each worth 1 point.

Note: Question # 5 and # 12 are each worth 2 points; as there are two-parts (a and b) for each question.

This exam is OPEN BOOK. You may refer to any print materials including your casebook, your rules book, your class notes, and your course outline. You may NOT use electronic databases.

Short Answers

Select the best answer for each question. Issues relating to attorney client privilege should be considered with reference to the pertinent *Restatement* sections. A separate answer sheet for the non-essay questions is provided.

Essay Question

In your answers, you are to apply the Model Rules and comments, relevant sections of the *Restatement* that you deem appropriate, or other relevant authorities to the facts. You should provide references to and analysis of relevant provisions of these authorities to demonstrate your reasoning and to support your conclusion.

To receive full credit, you must identify the correct rule and offer relevant language or a paraphrase of language from the rule or the rule comments, state a definite conclusion or answer, and support your conclusion/answer through complete presentation of all steps in your reasoning and reference to relevant authority. If you do not recall a rule number, you must specify the subject matter of the rule. In grading the exam I will also be looking for solid, organized analysis and clear presentation.

Keep your discussion concise and to the point of the question asked or fact pattern provided. Rambling and imprecise answers are not encouraged and will not receive full credit. **Above all, respond to the call of the question.**

For **Essay Exam**, see the Essay Technical Instructions below. If needed, Bluebooks will be provided by the proctor and will be distributed in the exam room.

The UNM School of Law Student Code of Conduct (Honor Code) applies to this exam.

ESSAY TECHNICAL INSTRUCTIONS

Bluebooks: Use black or blue ink only. Write on every-other line and only on the front side of the page. On the front cover record the class name, professor, date of exam, and your EXAM ID. Make sure to number each bluebook in order (i.e. 1 of 3, 2 of 3...). **DO NOT WRITE YOUR NAME ON THE BLUEBOOKS.**

Laptop Exam4:

1. Log off all programs that you are currently running or have opened!
2. Start the Exam4 program.
3. Make sure “**Prepare to start new exam**” is marked and click, “**Next.**”
4. Enter your “**Exam ID**” number and confirm it.
5. Click the drop box next to “**Course**” and select your course and professor and confirm. Click, “**Next**”.
6. Optional choices screen: If you choose to change these options please do so. If not, click “**Next**”.
7. Notice: If you have a problem **do not turn off or restart your computer** before contacting a proctor. **Check** the box “**Got it**” and click, “**Next**”.
8. Type “**Closed**” for exam mode, check the box to confirm and click, “**Next**”
9. At this point Exam4 will indicate “**Wait!**” in the lower right side of the screen. **WAIT!**
10. The proctor will tell you when to click “**Begin Exam.**”
11. A “**Security Check**” to scan your computer will run. Please be patient. It should disappear within a short period of time. If not, please exit the room and see a proctor (take your computer).
12. Reminder: Use the Tools menu and select “**Insert Answer Separation**” for a page break.

ALL EXAM TAKERS

If you have any questions or feel the need to explain/clarify your interpretation/understanding of the question being posed by the professor, please write it on the exam (and do not sign your name).

If you have an emergency, procedural question, or issue that occurs before or during any exam period, **do not contact the professor**, please contact the Proctor (during exam) or the Registrar’s Office (after exam) at 277-3649/2059 or jackson@law.unm.edu or mcfarling@law.unm.edu

You **may not keep** a copy of this exam! You are required **to return it** at the end of the exam.

A five-minute warning will be given prior to the conclusion of the examination.

Once, the time is called at the end of the exam, if using **bluebooks**, **stop writing and close all blue books**. If using your **Laptop**, **stop typing and save the exam**. **To save:**

Select “**End Exam**”, **End Exam Now** from the menu bar. **Confirm** that you want to end the exam.

Select **Submit Electronically** and follow either the **Mac or Windows user directions** below:

EXAM SUBMISSION and TROUBLESHOOTING

MAC Users

- Wait for the airport icon to indicate you have reconnected to the wireless network.
 - If the “Check Network Connection” displays, select **OK**.
 - Use your Airport to connect to Lobo-Guest, Lobo-Wi-Fi, or Lobo-Sec.
 - Authenticate using your browser (as appropriate).
- Return to Exam4 and select **Exam4 Save Options**, then **Submit Electronically**.
- You will receive a confirmation that your exam has been saved successfully. Click **I understand** and **OK**.
- Exit the exam by selecting **Exam4 Save Options, then Exit**.
- If the exam **did not submit electronically**, reconnect to either Lobo-Guest, Lobo-Wi-Fi, or Lobo-Sec network, making sure you authenticate as appropriate (open a browser and put in your NetID).
 - Start Exam4 again. Choose **Select existing exam**, highlight the exam name, and click **Submit Electronically**. Click **OK** to accept the default Start Code.
 - Click **Quit** exiting Exam4.
 - If the exam still did not submit electronically, contact an IT proctor

WINDOWS Users

- If the Status” window indicates a problem with submitting electronically (usually Error 12: No response), close the window using the Red X and select File and Save Options. **Select Exit** (don’t worry...the completed exam is saved to your hard drive).
- The **Check Network Connection**” screen displays, select **OK**.
 - Exit the exam by selecting File and Save Options, Exit.
 - Connect to either Lobo-Guest, Lobo-Wi-Fi, or Lobo-Sec network, making sure you authenticate as appropriate (open a browser and put in your NetID).
 - **Start Exam4 again**. Choose **Select existing exam**, highlight the exam name, and click **Submit Electronically**. Click **OK** to accept the default Start Code.
 - Click **Quit** and exit Exam4.
- Click the verification options and/or **OK** until you return to Exam4. Select **File and Save Options, Exit**.
- If the exam still did not submit electronically, contact an IT proctor. Do not turn your computer off.

EXAM CHECK-IN PROCEDURES

If you finish the exam **before the 5 minute warning** is given complete the following steps:

1. Place the **Exam, Blue Books** (if used) and **ALL scratch paper** (new or used) **inside** the envelope.
2. The **EXAM** and any **BLUE BOOKS** used should have your **EXAM ID** written on it.
3. Write your **NAME on the outside of this envelope**, (but not on the exam). **DO NOT SEAL THE ENVELOPE.**
4. Leave the exam room and **take the exam envelope to the designated Check-In table in the forum.**

NOTE: If you are **in the room at the 5 minute warning**, then **REMAIN IN THE ROOM** for **EXAM CHECK-IN.**

[Exam begins on the next page]

Essay Question

Lawyer was an associate at Firm A. Lawyer was assigned as part of a team headed by Partner Jill to defend client corporation A in a complex environmental dispute that involved allegations of toxic dumping. The case is a class action and there are multiple defendants. Lawyer worked with a group responsible for reviewing the corporation's records of disposal of chemical byproducts from its manufacturing operations. Lawyer was not involved in the primary strategy sessions for the litigation, but did attend some meetings with partner Jill and the client when case strategy was discussed. In addition lawyer attended weekly meetings with Partner John to discuss the findings and progress of the document review. Six months into the litigation Lawyer takes a job at Firm B. During Lawyer's orientation to Firm B it is discovered that Firm B has a client it is defending in the same environmental litigation. Client B was a materials supplier to Corporation A. Both Corporation A and Corporation B filed cross-claims against each other.

Analyze whether Firm B can employ Lawyer without terminating its representation of client Corporation B.

End of Essay Question

Multiple Choice – SELECT THE BEST ANSWER FOR EACH QUESTION.

1. Identify which of the following statements are true:
 - a. A lawyer has a duty to keep a client informed regarding the status of the engagement.
 - b. A lawyer always has a duty to consult with a client regarding the means of the representation.
 - c. A lawyer has a duty to advise a client regarding the legality of the client's objectives.
 - d. A lawyer has a duty to respond to all client requests for information.
 - e. All of the above.
 - f. a & c.
 - g. a & d.
 - h. b, c & d.

2. Lawyer A is in THE FIRM of 20 lawyers. Lawyer A has a business relationship with Bill, a partnership in a coffee shop, in which Bill runs the business and Lawyer A provided the start-up cash and also represented the business by drafting the partnership papers. In a legal dispute between Lawyer A and Bill, another Lawyer in THE FIRM represents Lawyer A. Bill brings a motion to disqualify the entire Firm from representing Lawyer A based upon a violation of the Rules of Professional Conduct. Will THE FIRM be disqualified from representing Lawyer A?

- a. No, because the dispute is between Bill and Lawyer A and not the business.
- b. Yes because Bill would have a personal conflict of interest that would be imputed to THE FIRM.
- c. No, there is no concurrent conflict of interest because Bill and Lawyer A did not have an attorney client relationship.
- d. It would depend on the specific nature of the legal dispute.

3. Lawyer has a scheduling conference with the Judge assigned to the case. The conference is set for 8:30 a.m. in the Judge's chambers. Lawyer and opposing counsel chat amiably before the conference. When the lawyers enter the Judge's chambers they are struck by the strong odor of alcohol. The Judge looks tired and her eyes are bloodshot, but she does not appear to be drunk. The Judge sets the pre-trial schedule with little discussion. The hearing lasts about five minutes. When you leave the Judge's chambers your opposing counsel ("OC") says rather snarkily that it is good the conference was early because by noon the Judge will be out of control. You are new to the practice and ask OC what he means. OC replies that everyone knows the Judge is a lush and drinks heavily on and off the bench. You are shocked and ask whether the Judge should be reported. OC smirks and says "good idea, why don't you report her to Judicial Standards and see what happens to your cases. Judges always protect their own." What should you do considering your obligations under the Rules of Professional Conflict?

- a. Nothing.
- b. Report the Judge to the Chief Judge of the Judicial District.
- c. Send the Judge a bottle of her favorite beverage.
- d. Call a lawyer's assistance program and ask for guidance.
- e. Immediately report the Judge to Judicial Standards.

4. Your firm represents XYZ Corporation, a publicly traded corporation, and has done so for many years. You specialize in products liability and defend the corporation against lawsuits brought against it for defects in its products. You discover in the course of representing XYZ Corporation in one of the cases that its engineers had identified a particular problem with the design of the product that created an unreasonable risk of injury to consumers. You further discover that there are a series of emails between the chief of the engineering department and other members of the management team discussing the defect and what to do about it. The decision of management was not to disclose the defect, but to seek an engineering solution and deal with the injuries if and when they occurred. You are shocked and immediately pick up the phone and call the general counsel for XYZ Corporation. You describe to her the substance of what you have discovered and she tells you that she knows about it, that management has not changed its position on the issue, and, therefore, you are to assert all available privileges to avoid producing the emails. What are your obligations to the client?

- a. Try to convince the general counsel to take the matter to the Board of Directors because the management team may be violating the law.
- b. Report the matter to the United States Attorney for the district because the defect poses a risk of harm to consumers.
- c. Report the general counsel to the Disciplinary Board because she is violating a Rule of Professional Conduct by having failed to take action.
- d. Take the matter to the Board of Directors yourself because of the potential harm to the corporation that could result from the failure to disclose management's knowledge of the defect.

5. Client has requested that the settlement monies be sent to him by a wire transfer to his bank account in Paris, Texas. You call your banker and provide the routing information that will be necessary for the bank to effect the transfer from your Trust Account. The only money currently in your Trust Account is the settlement monies for Client. You direct the banker to pay the wire transfer fees from your operating account. You then forget about it. Three days later you receive a letter from the Disciplinary Board asking you to explain why your Trust Account was overdrawn and to further provide proof of your professional liability insurance or the executed form of your disclosure of the lack of such insurance to the client. Answer the two questions that follow based on the above facts.

5(a). Identify what Model Rules of Professional Conduct you may have violated.

5(b). How should you respond to the Disciplinary Board?

- a. Sue your bank.
- b. Provide the information they have requested and notify your professional liability insurance company.
- c. Provide an affidavit from you and the banker explaining your instructions and the bank's mistake.
- d. Provide an affidavit from Client explaining why Client wanted a wire transfer.

6. You represent a criminal defendant charged with aggravated driving under the influence. You have worked hard and have obtained a favorable plea offer from the district attorney that will reduce the charge to first time DUI with a recommendation for treatment, community service and probation instead of incarceration. Client has agreed to accept the plea agreement. Your Client has told you that he has numerous other convictions for DUI in another jurisdiction under a different name. Your client has used an alias of J. William Smith. He is charged here under the name William J. Smith. At the hearing to approve the plea agreement, the Judge asks your client whether that probation officer's sentencing report is correct and that this is his first DUI conviction. Your client says "yes Judge, that's right." If you remain silent are you subject to discipline?

- a. No because a lawyer has a duty only to correct information that the lawyer knows to be false.
- b. Yes because a lawyer has a duty to correct information provided in open court that leaves a false impression.
- c. No because a lawyer has a duty of zealous representation.
- d. No because the lawyer learned the information from the client and it is protected by the attorney client privilege.

7. Lawyer receives a phone call from the clerk's office of the local municipal court. Judge has appointed lawyer to represent a minor charged with juvenile delinquency. Lawyer is an experienced criminal practitioner but does not represent minors in children's court. The court has set the trial for the juvenile right in the middle of a long-standing vacation that Lawyer has planned. Lawyer refuses to accept the appointment from the Court. Is Lawyer subject to discipline?

- a. No because Lawyer has no experience representing juveniles and could not provide competent representation.
- b. Yes because Lawyer does not have good cause to refuse the appointment.
- c. Yes because a lawyer has a duty to provide pro bono legal services.
- d. No because Lawyer had a reasonable scheduling conflict.

8. Lawyer meets with Clients, a husband and wife, regarding a potential wrongful death claim of their two month old child. The death occurred as a result of a single car accident, a vehicle rollover that started when the right rear tire exploded. Wife was driving at the time of the tire blow-out. Husband was asleep in the front passenger seat and child was in a car seat in the backseat behind the driver. Wife also sustained serious injuries. Lawyer is concerned that there may be some fault on the part of the wife and discusses this potential issue with husband and wife who both acknowledge the potential conflict and consent in writing to the representation because they don't want to hire another lawyer. Is Lawyer subject to discipline if she represents both husband and wife?

- a. Yes because there is an unconsentable conflict of interest.
- b. No because Lawyer obtained informed consent in writing to the conflict.
- c. No because there is only a potential conflict.
- d. No because the Lawyer can always withdraw from the representation if the clients' interests become adverse.
- e. Yes because a client cannot waive a future conflict.

9. Client comes to you for legal advice. She and her husband own a business. She is concerned that he is committing tax fraud. She tells you that he keeps two sets of books – one that is on the server for work and a second set that he keeps on a portable hard drive. He stores the portable hard drive in a safety deposit box, number 257, at the Bank of America branch at Washington and Central. She is afraid that her own economic interests will be adversely affected if the fraud is disclosed and is afraid of her husband, but also is fearful for her potential criminal liability. What are your professional options permitted by the Rules of Professional Conduct under the circumstances?

- a. Maintain client confidences and withdraw from the representation.
- b. Counsel the client to disclose the fraud, but if she refuses call the IRS.
- c. Tell the client that unless she discloses the fraud you will call the IRS.
- d. Have the client come back with her husband and then discuss with both of them their legal alternatives.
- e. Advise the client that she may be exposed to criminal and civil liability.
- f. a & d
- g. a, d, and e.

10. You are a lawyer. John, referred to you by one of your close friends, calls you for legal advice on a business question. In the course of the conversation John describes to you the nature of his business and a new advertising plan that he is planning to implement in the coming months, but the reason for his call was to ask whether it would be better for his estate plan to include a trust for his minor children. You obtain the information that you need from John to assess his question and then provide him with your opinion. A couple of weeks later you are at a political fund-raising event and are talking with a friend who helps businesses develop marketing plans. You mention in the course of the conversation that you have heard about an interesting advertising plan and proceed to describe the plan that John told you about during your conversation with him. Have you violated any Rules of Professional Conduct?

- a. No because John was not a client.
- b. Yes because John was a prospective client and a lawyer owes a duty of confidentiality to prospective clients.
- c. No because the communication was unrelated to the representation.
- d. No because the information you disclosed was not related to the representation.

11. The New Mexico case *Spencer v. Barber* discusses some of a lawyer's professional duties the breach of which can result in a claim for legal malpractice. Which of the following statements accurately describes parts of the court's analysis?

- a. A party may have a direct claim against the opposing party's lawyer under proper circumstances.
- b. A lawyer owes a duty of reasonable care to the intended beneficiary of the lawyer's services.
- c. The Rules of Professional Conduct may be used to determine the standard of care a lawyer owes to a non-client.
- d. The violation of the Rules of Professional Conduct may be a basis for a claim of legal malpractice.
- e. a, b, and d.
- f. b & c
- g. b & d

12. You represent client. You have filed a lawsuit on behalf of client in federal court. The case has progressed and you have done a lot of work on the case. You have answered discovery based upon information provided to you by client and client “verified” the answers. A verification is a notarized statement in which client is sworn and attests to the truthfulness and accuracy of the information provided. Your client is going to be deposed and you meet with him to prepare for his deposition [A deposition is a proceeding in which lawyer’s may ask questions to a witness or party under oath. The deposition is recorded.] During the meeting you learn that some of the answers provided in client’s discovery responses were false. You get in a big fight with the client who refuses to authorize you to amend the discovery answers. The client says to you “listen, you are my lawyer and I pay your bills so you will do what I tell you to do or else I’ll sue your sorry ass from here to eternity.” Answer the two questions that follow based on the above facts.

12(a). You are afraid of the client’s threat and decide to do nothing. The deposition proceeds and the client repeats the same information that you now know to be false. Which of the following statement, if any, are true.

- a. Your participation in the deposition violates Rule 8.4(c).
- b. Your participation in the deposition violates Rule 8.4(d).
- c. Your participation in the deposition violates Rule 8.4(a).
- d. a and c.
- e. a, b, and c.
- f. a and b.
- g. None of the above

12(b). What is your obligation under the Rules of Professional Conduct with regard to the discovery answers that you now know to contain false information?

- a. You must immediately disclose to the court the falsity of your client’s answers.
- b. Counsel the client to allow you to correct the false information and tell the client that if he refuses you will have to disclose the fraudulent conduct to the court.
- c. Immediately withdraw from the representation.
- d. Counsel the client to allow you to correct the false information and tell the client the if he refuses you will have to withdraw from the representation.
- e. Correct the false information in an amended discovery response without the client’s consent.

13. Which of the following statements accurately describe a lawyer's obligations under the Rules of Professional Conduct?

- a. A supervising lawyer is always responsible for a subordinate lawyer's professional misconduct.
- b. A supervising lawyer is never responsible for a subordinate lawyer's professional misconduct.
- c. A supervising lawyer is responsible for a subordinate lawyer's professional misconduct only when the supervising lawyer ratifies the conduct.
- d. A supervising lawyer is required by the Rules of Professional Conduct to establish policies to ensure that subordinate lawyers comply with the Rules of Professional Conduct.
- e. a, b, c & d
- f. a and b
- g. b, c, & d
- h. None of the above

14. Lawyer represents Client A in a personal injury claim against Trucking Company. Client A was hit by truck of Truck Company when riding a bicycle. Lawyer sued Trucking Company and Driver. Lawyer learns that Trucking Company recent fired its manager. Lawyer meets with manager without notifying lawyer for Trucking Company and discusses Trucking Company's general business operations. Is Lawyer subject to discipline?

- a. Yes because the former employee was a manager of Trucking Company.
- b. No because the manager is a former employee.
- c. No because Lawyer did not discuss the specific accident involved in the litigation.
- d. Yes because a lawyer may never contact an unrepresented person who is a former employee of a party.

15. Lawyer represents Client A, an adult who suffered a traumatic brain injury. Over the course of the representation Lawyer becomes increasingly concerned that Client A is not understanding the nature and purpose of the representation. During a court ordered mediation Lawyer spent much of the day with Client A and became concerned that Client A cannot understand the proceedings sufficiently to make decisions in his own interest. Lawyer then initiates an action to have a guardian ad litem appointed for Client A and includes information related to the representation of Client in his petition for a GAL. Client A resists the appointment and the Court determines that Client A does have sufficient decision-making capacity and refuses to appoint a GAL. Is the lawyer subject to discipline?

- a. Yes because Lawyer violated 1.6 by disclosing confidential client information in the GAL proceeding.
- b. Yes, because Lawyer did not try and maintain a normal client lawyer relationship.
- c. No because Lawyer had a reasonable belief that client could not act in his own interest.
- d. No. because Lawyer is allowed to seek an appointment of a GAL.

16. For what kind of ethical problem would you consult the New Mexico case of *Mercer v. Reynolds*?

- a. To determine the scope of confidentiality under Rule 1.6 for a current client.
- b. To determine under what circumstances a lawyer can engage in direct solicitation under Rule 7.3.
- c. To determine when a lawyer's conflict with a former client is imputed to the entire firm.
- d. To determine when a firm may represent a new client whose interests are adverse to a former client.

17. You are a young lawyer who has passed the bar and spent two productive years working for Judge Elkins a federal district court judge. The time has come for you to enter the real world. You decide that the way to get ahead is to put up a big bill board with your picture on it. Then you decide that maybe it would be better if you had someone else's picture on it who was more attractive. You hire a model who is very good looking and put his face on your bill board. The bill board also has the following message in letters 10 feet high – "EXPERIENCED, HONEST AND HARDWORKING – LET ME SPEAK FOR YOU – CALL 777-777-7777." Your phone starts ringing off the hook. You are very pleased with yourself. Are you subject to discipline?

- a. Yes the advertisement was not approved by the State Bar.
- b. No because the advertisement is not a direct solicitation.
- c. Yes because it is not your picture on the bill board and that is a misrepresentation.
- d. Possibly because you have only experience as a law clerk and you are misrepresenting your qualifications to the public as an experienced lawyer.
- e. c & d.

18. Lawyer works in the consumer products division of a very large law firm. One of Lawyer's clients is a pharmaceutical company that offers a wide range of products including a new drug called "Cureitsforall." The pharmaceutical company has been sued by a dissatisfied consumer and Lawyer and Lawyer's firm are defending the company. Through its general counsel the pharmaceutical company has directed Lawyer not to negotiate a settlement, not to extend any settlement offers and under all circumstances to take the case to trial to establish a precedent for suits involving Cureitsforall. The pharmaceutical company's various defenses are all supported by good faith arguments, but Lawyer believes that the case should be settled if at all possible. Must the lawyer withdraw as counsel from the case?

- a. No, because the Lawyer is bound by the client's objectives and must fulfill them.
- b. No, because the pharmaceutical company's defenses can be supported by good faith arguments.
- c. Yes, because lawyers have a duty to try and avoid litigation.
- d. Yes, because the pharmaceutical company is controlling Lawyer's independent professional judgment which is to settle the case.

19. A large law firm with over 100 lawyers has a non-lawyer administrator who handles routine financial and administrative matters. The administrator is on salary and receives a year-end bonus based on a percentage of the law firm's net income from fees. The administrator reports to a senior managing partner who is responsible for the law firm's supervision of the practice of law. The administrator has access to client files but exercises no control over the professional decision-making of the firm's lawyers. Is there a problem under the Rules of Professional Conduct with the use of the non-lawyer administrator?

- a. Yes because the administrator has access to client files.
- b. Yes because the law firm is allowing a non-lawyer to practice law.
- c. Yes, because the law firm is sharing legal fees with a non-lawyer.
- d. No, because the administrator does not control the professional judgment of the lawyers in the firm.

20. You represent a client who was injured when he jaywalked on his way home from the bar one night and was hit by a car. The driver's defense is that the client was drunk, not paying attention, and stepped right in front of her so hitting him was unavoidable. The defense asks in discovery for all your client's Facebook postings for the past year. You know that these postings contain many references to your client drinking and doing foolish things, which will hurt your case. You object that the request is overbroad and seeks irrelevant information, and provide only the postings for the day of the crash, even though you know the others contain information potentially relevant to liability and damages. Have you violated the Rules of Professional Conduct?

- a. Yes because you have made a frivolous objection to a valid discovery request.
- b. Yes because you are concealing relevant evidence.
- c. No because the Rules of Civil Procedure require that objections to discovery be raised at the time or the objection is waived.
- d. No because all is fair in love and war.

SHORT ANSWER

21. The attorney client privilege is not a Rule of Professional Conduct. What is it?

22. Identify two of the New Mexico Rules of Professional Conduct that are not identical to the parallel Model Rules.

23. Identify a New Mexico Rule of Professional Conduct that has no counterpart in the Model Rules.

24. Identify three systems for the professional regulation of lawyers.

25. Identify three positive values that underlie the Rules of Professional Conduct governing conflicts of interest.

26. In New Mexico, a lawyer can make a confidential referral to a state bar sponsored organization if the lawyer is concerned that another lawyer or a judge is impaired. What is the name of that organization?

TRUE OR FALSE

27. New Mexico requires a lawyer to purchase and maintain professional liability insurance.

True or False

28. Court approval is always required when a lawyer seeks to withdraw from the representation of a pending case.

True or False

29. The Rules of Professional Conduct do not apply to a lawyer serving as a third party neutral.

True or False

30. A lawyer may directly solicit professional employment from a prospective client who is not already represented by another lawyer.

True or False

31. A lawyer acting as business person rather than acting as a lawyer cannot be disciplined even if the conduct violates a Rule of Professional Conduct.

True or False

32. A subordinate lawyer cannot be disciplined for following the directions of a supervising or managing partner.

True or False

33. A lawyer is never justified in withholding relevant information relating to the representation from the client.

True or False

End of Examination