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## Question 1

You work in THE FIRM with 10 other lawyers and you have been assigned to handle new client intake for a month. Your first day handling client intake you interview two potential clients. Potential Client 1 has a personal injury claim against the City of Albuquerque. She was hit by a bus. Her claim would be against the City. You know that THE FIRM currently is defending the Albuquerque Police Department in a number of lawsuits that allege police brutality. You take her information and promise you will get back to her on whether THE FIRM can take on her representation.

Potential Client 2 is an elderly man who has very substantial assets and business interests. He wants THE FIRM to draft a new will and trust agreement. He had two children, his wife is deceased. He is angry with Child A and wants to make sure that Child A only receives a very modest sum on Potential Client 2's death and a limited monthly payment under the terms of the trust. In the course of performing a conflicts check, you discover that a lawyer who THE FIRM just hired had represented Child A in his divorce a couple of years before she started working with THE FIRM.

Analyze and discuss the potential conflicts.

## Extra Credit Question 1

If you determine that THE FIRM *cannot* represent Potential Client 1, identify the duties that she will be owed by THE FIRM.

## Question 2

You represent Client A who has just been sued. The case is hotly litigated and in the course of discovery, you determine that the lawyer for the plaintiff (Lawyer 1) may have destroyed some emails a third party sent to plaintiff that would help you defend Client A's case. You have obtained copies from the third party and have evidence that Lawyer 1 had plaintiff delete the emails so Lawyer 1 could claim the emails were never received. In addition, you learn that the lawyer for plaintiff may also have made false statements to the Court in a brief that Lawyer 1 filed. Discuss what rules of professional conduct are implicated and what your obligations are.

Discuss what Rules of Professional Conduct are implicated. Do **not** consider or discuss any potential Rule 11 violations.

### **Question 3**

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. You also need to discuss an affidavit that you have prepared for the client in order to respond to a motion for summary judgment. If you lose the motion, the case will be over. 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.” Discuss your obligations and options under the Rules of Professional Conduct.

### **Question 4**

You run into a former client, Ned, on the street outside a busy sidewalk cafe. You notice that he is looking very tired and has lost some weight. You ask him how he is doing and he leans over and whispers in your ear – “I’m in trouble, really big trouble and I need to talk with you.” Just then the person you were meeting arrives and you say to Ned call me. When you return to the office you tell your legal assistant that you are expecting a call from Ned and to put it right through. You tell your legal assistant that Ned told you he was in big, big trouble. Ned does not call back. You read in the paper the next day that Ned committed suicide. You are subpoenaed to a deposition that is being taken by his life insurance company that is contesting coverage (there is a clause in the life insurance policy that voids the policy in the case of suicide). The insurance company wants to talk to you about whether you had any contact with Ned and whether he said anything to you in the 24 hours prior to his death. You can’t understand how they could have found out about your contact with Ned, but learn that your legal assistant called Ned’s widow and told her about you running into Ned and what he told you.

Analyze what Rules and/or privileges are implicated and answer the following question: Will you have to disclose Ned’s statement to you? Why or Why not?

### **Extra Credit**

The New Mexico Rules differ from the Model Rules in a number of different respects. Name and briefly explain two differences.