**Review: The Attorney-Client Relationship**

**2.1**

1.) True or False: An engagement letter, a retainer agreement, and the payment of attorneys’ fees are all necessary to establish an attorney-client relationship.

The Duties of an Attorney

2.) Match the duty to the description:

|  |  |
| --- | --- |
| \_\_\_\_ Duty of Loyalty | A. Attorneys have a duty to act with due diligence in pursuit of their client’s interests. |
| \_\_\_\_ Duty of Care | B. Attorneys must provide their clients with all of the information their clients need in order to make informed decisions. Attorneys must also “exercise independent professional judgment and render candid advice.” |
| \_\_\_\_ Duty of Confidentiality | C. Attorneys may not represent any party with an interest adverse to any of their clients and must refrain from self-dealing. |
| \_\_\_\_ Duty of Impartiality | D. Attorneys must maintain in confidence all information obtained while representing their clients and may not use any confidential client information in a way that could harm that client. |

**Representation of an Organization**

3.) True or False: When an attorney represents an entity, the attorney’s client is the entity itself and all of the individuals within the entity.

**Prospective Clients**

4.) Famous attorney Litigator Larry receives a phone call from a prospective client. During this initial phone call Larry should:

A.) Gather as much information about every nuance and detail of the prospective client’s case as he can irrespective of confidentiality in order to discern whether he wants to take the case or not.

B.) Ask the client how many other attorneys she has consulted with prior to this call and then begin discussing the fee schedule.

C.) Take caution to keep the prospective client from revealing any confidential information because this will result in a duty of confidentiality which may result in Larry being disqualified from representing adverse parties.

D.) Scream incessantly into the phone for ten minutes and then bill the prospective client by the tenth of an hour.

**2.2**

**Take Me Baby, or Leave Me: Ending the Attorney-Client Relationship**

**Model Rule 1.16**

5.) True or False: A client must show good cause to terminate the attorney-client relationship.

6.) While preparing a petition for bankruptcy, Attorney Aly’s client asks if Aly can refrain from disclosing client’s secondary income on the petition. (All forms of income must be disclosed on the petition under the bankruptcy code.) Is Aly obligated to withdraw from representing client?

**You’re Fired!: Discharge**

**Model Rule 1.16(a)(3)**

7.)

**Woke Up New: Permissive Withdrawal**

**- Model Rule 1.16(b)**

8.) During the discovery period, Attorney’s client calls attorney and says “Your fees are too high and we refuse to make another payment until the case settles.” Can attorney withdraw from representing client for nonpayment?

**It’s Not You, It’s Me: Mandatory Withdrawal - Model Rule 1.16(a)**

9.) When **must** an attorney withdraw from representing a client?

1. If continued representation would result in a violation of the Rules of Professional Conduct or other laws.
2. If the lawyer reasonably believes that the client is using the relationship to conduct criminal activity.
3. If the client is infirm
4. All of the above
5. None of the above

**Both Sides Now: Effective Withdrawal**

10.) Attorney and client...

**Forever & a Day: Duties After Withdrawal**

**2.3**

**Professional Relationships**

**Attorneys as Agents**

**Attorneys as Fiduciaries**

**Model Rule 1.2**

**2.4**

**Decisions Reserved to Clients**

**Model Rule 1.2**

**Impaired Clients**

**Model Rule 1.14**

**2.5**

**Ex Parte Communications**

**Model Rule 4.2**

**2.6**

**Attorney’s Fees**

**Model Rule 1.5**

**Contingent Fees**

**2.7**

**Client Trust Accounts**

**Model Rule 1.15**

**Equity as Compensation**

**Model Rule 1.8 (a)**

**Litigation Finance**

**Model Rule 1.8 (e)(f)(i)**

**2.8**

**Organizations As Clients**

**Model Rule 1.13**

**Representing a Corporation**

**Representing a Partnership**

**2.9**

**Agents as Clients**

**Agents as Quasi-Clients**

**Answer Key:**

1.) False. An attorney-client relationship may be formed whenever a person asks an attorney for legal advice and the attorney provides it, so long as a reasonable person could believe that an attorney-client relationship existed. See Restatement (Third) of the Law Governing Lawyers § 14 (2000).

2.)

|  |  |
| --- | --- |
| C. Duty of Loyalty | See Model Rules 1.7 & 1.8. |
| A. Duty of Care | See Model Rule 1.1. |
| D. Duty of Confidentiality | See Model Rule 1.6. |
| B. Duty of Impartiality | See Model Rule 1.4. & 2.1 |

3.) False. The attorney has a duty to inform the individuals within the entity that he represents the entity itself and not the individual interests of the people that comprise the entity.

4.) C. See Model Rule 1.18; Restatement (Third) of the Law Governing Lawyers § 15 (2000); [Clark Capital Management Group, Inc. v. Annuity Investors Life Ins. Co., 149 F.Supp.2d 193 (E.D. Pa. 2001)](https://scholar.google.com/scholar_case?case=11281821033286907204).

5.) False. Generally a client can end an attorney-client relationship at any time with or without cause.

6.) No, because client has only requested the attorney to engage in illegal behavior and not demanded it, Aly should take steps to inform her client why she cannot comply with this request, but Aly is not obligated to withdraw from representing client. [Model Rule 1.16 Comment 2](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_16_declining_or_terminating_representation/comment_on_rule_1_16_declining_or_terminating_representation/)

7.)

8.) Probably not unless continued representation is unreasonably difficult for the client. Additionally, the attorney must seek approval from the court and may be required to show “good cause” for withdrawal. [Model Rule 1.16(b)](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_16_declining_or_terminating_representation/)

9.) A [Model Rule 1.16(a)](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_16_declining_or_terminating_representation/)