

# Professional Responsibility: Quiz 1

Elon Law School  
Prof. Fink

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## Instructions

- This is an open-book, open-note quiz. You may use any printed or handwritten material. **You may not use computers, phones, or other electronic devices.**
- This quiz consists of five (5) multiple-choice questions.
- You will have twenty (20) minutes to complete the quiz.
- You must use the Scantron sheet for your answers. You may write on the document with the quiz questions if you wish, but **you will only receive credit for answers entered correctly on the Scantron sheet.**
- **Please do not write on the Model Rules handout** (so they can be used again).
- Write your Midterm Exam ID number (**not your name**) in the space for “Name” on the Scantron sheet.
- Sign the Law School Honor Pledge below, using your Midterm Exam ID number. **Do not write your name anywhere on this document**

## Honor Pledge

“On my honor, I will uphold the Victoriaues of Elon University School of Law: honesty, integrity, responsibility, and respect.”

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Exam ID Number

## Questions

1. Attorney is a practicing lawyer in private practice. Attorney also teaches law school and undergraduate classes as an adjunct professor at Piedmont University. Two high school seniors have asked Attorney to represent them in a lawsuit against Piedmont University. The students allege that the university did not admit them to the undergraduate program because of race discrimination. Assuming the other conditions for waiver of conflict are satisfied, may Attorney represent the student in their suit against the university?
  - A. Yes, provided she obtains informed consent, confirmed in writing, from the university.
  - B. Yes, provided she obtains informed consent, confirmed in writing, from the students.
  - C. Yes, provided she obtains informed consent, confirmed in writing, from the students and the university.
  - D. No, because the representation involves the assertion of claims against the university.
  
2. Suspect and Accomplice are charged with burglary (a felony). They both want Lawyer to represent them in their criminal trial. Lawyer reviews the police report, which indicates that Suspect may have instigated the crime. Suspect has two prior felony convictions. Under the state's repeat offender statute, Suspect faces a minimum sentence of 30 years if he is convicted of a third felony. Accomplice has one prior conviction, for which he received a suspended sentence, conditioned on having no additional felony convictions within the next three years. Is it proper for Lawyer to represent them both in this case?
  - A. Yes, as long as each client gives informed consent, confirmed in writing.
  - B. Yes, because the charges arise out of the same incident.
  - C. Yes, as long as the two will not give conflicting testimony.
  - D. No, because joint representation in this case presents a non-waivable conflict.
  
3. Lawyer represents Able in a suit against her neighbor Baker. The suit asserts a claim for trespass, alleging that Baker erected a backyard shed that sits partially on Able's property. Several years ago, Lawyer represented Baker in a workers' compensation claim against her employer. That matter was ended with Baker being awarded worker's compensation benefits. Lawyer and Baker have not been in contact since. May Lawyer represent Able in the suit against Baker?
  - A. Yes, because the two matters are unrelated.
  - B. Yes, because Lawyer obtained a satisfactory result for Baker.
  - C. No, because the representation of Able would be adverse to Baker.
  - D. No, unless Lawyer obtains informed consent, confirmed in the writing, from both Able and Baker.

4. Attorney & Lawyer are partners in a small law firm. Attorney has represented Motorworks, Inc., an auto manufacturer, in all its litigation matters for many years. She is currently defending the company in a lawsuit brought by Driver, the owner of a Motorworks auto, who was blinded when an airbag spontaneously exploded while he was driving. In that same incident, Driver's car hit Walker, a pedestrian who was seriously injured in the collision. Walker has asked Lawyer to represent him in a suit against Driver (for negligence) and Motorworks (for products liability). Attorney and Lawyer both believe they would be able to provide competent and diligent representation to their respective clients. Is it proper for Lawyer to represent Walker.
- A. Yes, provided each lawyer reasonably believes she can provide competent and diligent represent to their client, and each client gives informed consent in writing.
  - B. Yes, provided Attorney and Lawyer agree not to communicate or share documents relating to the matter.
  - C. No, unless each client gives informed consent, confirmed in writing.
  - D. No, because the representation presents a non-waivable conflict.
5. Attorney has represented Client in various legal matters for many years. The two have also become friends, based on their shared interest in bluegrass music. Client asks attorney to draft a new will, under which most of his property will go to his son (his only living relative). Client tells Attorney he'd like to leave his collection of rare early bluegrass records (valued at more than \$10,000) to Attorney, as a token of appreciation for his years of service and friendship. May attorney accept this gift?
- A. Yes, because attorney did not solicit the gift.
  - B. Yes, as long as Attorney reasonably believes Client is not incapacitated.
  - C. No, unless another lawyer drafts the will instead of Attorney.
  - D. No, because a lawyer may not accept a substantial gift from a current client.