

QUESTION 15 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V

Caroline, an associate in Jackson Law Firm, is defending Sharik in an auto negligence matter brought by Max, who was a passenger in the car Sharik was driving when the accident occurred. Caroline hears that Max may not be as injured as he has claimed. Max lives in Caroline's neighborhood, and when she scouts his house she sees Max engaged in activity that he would not be able to perform if he had the injuries he claims. Caroline gives this information to Parker, an investigator hired by Shank's insurance company, but because Max is a neighbor, Caroline tells Parker she does not want to be identified in his investigative report. Parker includes the information in his investigative report as from "an anonymous source." Parker does not, independent of Caroline's report, verify this information.

During discovery, Max's counsel seeks a copy of Parker's investigative file and to depose Parker. At Parker's deposition, which Caroline is defending, Parker testifies that the information about Max's capacity came from a third-party source, but Caroline asserts that he cannot reveal the name of the "informant" because it is covered by the attorney-client privilege. After the deposition, and in anticipation of Max's challenge to the claim of privilege, Caroline and Parker decide they will have Parker's son Matt sign a sworn statement that Matt was the "anonymous source" who discovered Max's condition.

In a regular review of the status of cases in the office, Caroline's boss, Jackson, discovers what Caroline has done. **Under the Michigan Rules of Professional Conduct, what ethical issues are raised by Caroline's conduct, and what corrective steps, if any, should Jackson take?**

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