

**QUESTION 4 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II**

Brenda purchased the assets of Baker, Inc. and was subsequently sued by creditors of Baker on a theory of successor liability. Brenda retained Charles, a partner at Webster Law Firm, to defend her in the litigation.

Plaintiffs served interrogatories through Charles. Charles forwarded the interrogatories to Brenda, but did not discuss with Brenda any aspect of how to properly respond to them. Charles did not file any responses or objections to the interrogatories. Plaintiffs filed a motion to compel discovery. Charles failed to respond to the motion in any way. The motion was granted. Charles took no action to comply with the court order compelling Brenda to answer the interrogatories. A second motion to compel was filed and granted after Charles again failed to respond in any way to the second motion to compel. Charles took no action to comply with the second court order requiring Brenda to answer the interrogatories. Plaintiffs' counsel filed a motion for entry of default as a discovery sanction for Brenda's failure to comply with two court orders requiring her to answer the interrogatories. Charles failed to respond in any way to the motion for entry of default and the court granted the motion and entered a default against Brenda.

Upon receiving the order entering the default against Brenda, but before the court heard plaintiffs' motion for entry of a default judgment, Charles asked firm associate Marcus to take whatever steps are necessary to set aside the default and protect Brenda's interests. Marcus learned that Charles timely sent to Brenda copies of each order to compel discovery as well as the order granting entry of the default. However, there was no evidence that Charles otherwise communicated with Brenda. Concerned about the manner in which Charles handled the file, Marcus decided to discuss Brenda's case with Daniel, the managing partner of the Webster Law Firm.

**Discuss the Webster Law Firm's ethical obligations. Is the firm required to report Charles to the Attorney Grievance Commission or can it still take steps to resolve the client's complaint quietly within the firm? Explain your answer.**

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