

Final Examination
Professional Responsibility
Professor Carol M. Langford
Summer 2006

1. You have **two (2) hours** to complete this exam.
2. This is a **closed book** exam.
3. This exam consists of two parts.

Part I consists of ten (10) multiple choice questions. These questions are based on the ABA Model Rules of Professional Conduct as they currently exist. The questions use the following key words or phrases:

May or proper asks whether the conduct is professionally appropriate, in that it:

- Would not subject that a lawyer or judge to discipline; and
- is not inconsistent with the Preamble, Comments, or text of the ABA Model Rules of Professional Conduct or the ABA Model
- is not inconsistent with generally accepted principles of the law or lawyering

Subject to civil liability asks whether the conduct would subject the lawyer or law firm to civil liability for malpractice, misrepresentation, or breach of fiduciary duty.

Please mark your responses to the multiple choice questions on the separate ParSCORE TEST FORM using pen or pencil and following the instructions on that form. If you change your answer, place a clear **X** through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer.

Part II consists of one (1) essay question. Please write your response in the blue books provided. Please write clearly.

4. Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions, each blue book, and the ParSCORE TEST FORM. **Do not** use your name, student ID number, or social security number on any exam materials.

5. At the conclusion of the exam, return all test materials, including blue books, ParSCORE answer sheet, scratch paper, and this exam packet to the envelope and submit it to the proctor.

Do not seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

GOOD LUCK!

EXAM # _____

Part II: Essay Question (60 points)

Recommended Time: 1 hour

At 9:00 a.m., on her first day as a practicing lawyer, Andrea Martin arrived at her new job at a public interest law firm doing impact litigation. At 9:05 a.m., Martin listened to this voicemail from her supervisor, Robin LaPlante:

Hey, sorry I couldn't be there this morning, but I'm in Elmwood taking depositions. Here's what I need you to do. Go see my secretary Roger and have him show you the client intake interview form. Roger will walk you through how to interview potential clients. At 10:00 a.m., you will interview some possible clients in a race discrimination matter against Wal-Mart. They're worried about the costs of litigation, but assure them that they won't have to pay a dime if we take their case. We'll front all the costs, including medical exams and whatever. Hey, we'll help them out with rent if necessary! But don't turn them into clients just yet. We don't know if we have the time and money to take on the case, and our Board of Directors has final approval. So be friendly and supportive but don't seal the deal. Also, tell them not to speak to Wal-Mart's lawyers. Those guys are nasty. That should take about an hour, and then we need you to get downtown and speak to some more of those women who were forced to work overtime at Medical Devices, Inc. We already represent three of the employees, but we need to get more of them. Take the fee agreement Roger will show you and have them sign it if you can. This could be a huge case for us in terms of a precedent and not to mention the attorneys' fee award. Be persuasive and persistent. Get them signed up as clients! And last of all, in the *Smith v. Bravo* case, I finally convinced the client's mother to pay the hourly legal fees, but we need get the mother to sign a writing on that. Roger will get you the form. You get her signature. I will be back around 4:00 or 5:00. We'll take you out for a welcome to the job celebration down at Happy Jack's. See you then.

Only the ABA Model Rules of Professional Conduct apply. Spot issues arising in this fact pattern, identify governing rules and/or comment paragraphs, and analyze the issues to the extent the time limit permits.

END OF EXAM