NOTE:

1. If writing by hand, candidates must fill in correctly the front of each booklet provided. Failure to do so may result in the answers not being read. Please indicate the total number of booklets used on each booklet. DOUBLE SPACE YOUR ANSWER. WRITE IN INK.

2. Candidates may take any non-electronic reference materials into the examination.
Part A. (Problems) Answer 4 of the 5 problems in Part A. Each Problem is worth 30 marks and the recommended time for completion of Part A is 90 minutes. **DO NOT ANSWER ALL 5 PROBLEMS.** Assume all of the facts take place in British Columbia.

A1. Greg is an associate in a large law firm. Greg is asked to be part of the team that is defending a lawsuit by a group of parents and public health organizations against a liquor company. The lawsuit alleges that the company markets fruit-flavoured sugary alcohol drinks to youth in order to get them addicted to alcohol, and that this leads to binge drinking, alcohol poisoning and traffic accidents. Greg’s older sister died from mixing drugs and alcohol and his mother is an alcoholic. He does not drink and thinks that liquor companies cause great social harms. He knows that the liquor company plans to probe whether the parents abuse alcohol to show that the young people’s drinking problems are the parents’ fault and not the company’s. Does Greg have any options in responding to the partner’s request? What should he do and why?

A2. Marcia is a litigation lawyer in a small firm. Peter, a famous hockey player comes to see her about the possibility of filing a lawsuit for sexual abuse he says he suffered as a teenager at the hands of his former coach. He tells Marcia, in a way that makes her think he may be serious, that if nothing is done to hold the coach accountable, he “knows someone who can take care of it another way – permanently.” Marcia is quite excited to have met this hockey legend and flattered that he would seek out her counsel. Marcia tells her law partner about meeting Peter and the nature of his case. She tells her husband about meeting Peter, but says that she cannot tell him anything about why Peter came to see her. Has Marcia met all of her ethical obligations? Why or why not?

A3. Jan is a lawyer in sole practice in a small town. She is asked by Carol to represent her in her divorce from her husband Mike. Mike is a self-employed architect and there will be significant issues over the valuation of his business. They also have two children and Carol wants to get custody and move to the city to be closer to her parents. Three years ago, Jan represented Mike when he was charged with stealing a pair of sunglasses from the drugstore. Mike pled guilty and was given a conditional discharge. Jan did not meet or speak to Carol during her representation of Mike. Jan is the only family law lawyer within 100 km of where Carol lives. Mike plans to represent himself in the family law matters. Can Jan accept Carol’s retainer? Why or why not?

A4. Cindy is a criminal defence lawyer. Bobby is charged with attempted murder in a drive-by shooting that the police have claimed is gang-related. There are 2 co-accused. The case is likely to be complex and lengthy and Cindy asks for a $20,000 retainer as a condition of agreeing to represent Bobby. Bobby brings the money to the next meeting in 100 dollar bills in an envelope and gives it to Cindy. Cindy deposits the money in her trust account. Bobby tells Cindy that he doesn’t want to testify because he is not willing to implicate his co-accused. He says he has an alibi witness who will testify that he was no longer in the car by the time it arrived at the shooting. Cindy is skeptical as to whether this is true, but she agrees to call the witness. She tells Bobby that the final decision as to whether he will testify in his own defence will be up to her, based on the strength of the Crown’s case. Has Cindy does anything wrong on these facts?
A5. Alice is a labour lawyer who works for a union-side firm. She is representing the union in an arbitration hearing in which it is alleged that the employer failed to promote a worker because of her race. Sam is representing the employer, which denies any discrimination. Sam is taking a very firm position in the hearing and putting Alice to the strict proof of all facts, even those which Alice believes are not seriously in dispute. This is prolonging the hearing and costing the union a lot of money. Sam disparages the seriousness of the union's case in front of the arbitrator, repeatedly accusing Alice of "playing the race card for an unqualified applicant." He responds to her settlement offer by calling her "Alice in Wonderland." You are Alice's colleague and she comes to you to complain about Sam's behaviour. What do you advise her?

Part B. (Reflective Essay) Answer the one Question in Part B. Your answer is worth 30 marks and the recommended time for completion of Part B is 30 minutes.

B1. The three most commonly cited models of ethical decision making are reasoning from rules; reasoning from consequences and reasoning from values. Choose one example of an ethical dilemma for lawyers (perhaps from one of the cases or articles that you have read in the course) and describe how your chosen dilemma would be addressed under each model. Which is the best model of ethical decision making for resolving your chosen example, and why?