THIS EXAMINATION CONSISTS OF 3 PAGES
PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER

THE UNIVERSITY OF BRITISH COLUMBIA
FACULTY OF LAW

FINAL EXAMINATION – April 2017

LAW 468/555C
ETHICS AND PROFESSIONALISM

Section 004
Professor Salter

TOTAL MARKS: 150
TIME ALLOWED: 2 HOURS

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NOTE:
1. If writing by hand, candidates must fill in 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. This is an open book exam. Candidates may take any non-electronic reference materials into the examination.

AT THE END OF THE EXAMINATION, PLEASE RETURN THIS QUESTION PAPER TO THE INVIGILATOR.
LAW 468/555C, Section 4

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
Northern Creative is a website development company, and a client of your firm. Northern Creative uses software called “Dreamscape” to design webpages for its customers. “Dreamscape” is industry-standard software and has over a million users globally. Cloudcorp owns “Dreamscape” and wants to retain you to help it rewrite its licensing agreements. You learn that under the new licensing agreement, users will pay increased licensing fees to use “Dreamscape”, averaging an extra $100 per year. What, if anything, should you do in this situation, and why?

A2
Omar and Maggie are friends who have both been charged with attempted murder of a rival gang member. You represent Omar. Omar tells you that he is worried that Maggie is going to commit suicide because she is very depressed about the criminal charge and she is struggling with being in prison while she waits for her trial. Omar says that Maggie has even told him how she plans to harm herself once she is out on bail in a few days. When you ask Omar if he has told the prison about Maggie’s plans or has taken any other steps to help, Omar says no. Omar says that he's worried that in Maggie's distressed state, she might confess to the police, which would hurt both their cases. When you suggest that you could call the prison or arrange help for Maggie, Omar again says no. He instructs you to just focus on his case and leave Maggie out of it. What do you do?

A3
Devin is a family law lawyer. He noticed the high number of divorces in his law practice which involve extra-marital affairs. Sensing an opportunity, Devin developed an app for smartphones to help married people connect with other married people who want to have affairs. The app is wildly popular and Devin has become the app's spokesperson. Around town, there are billboards advertising the app, with a picture of Devin, and the slogan, “Have an affair. We’ll never tell!” The advertising does not refer to Devin’s law practice. Has Devin fulfilled his professional obligations?

A4
Jasmine injured her back while working at a paper mill. Off work for 3 years, Jasmine became addicted to prescription pain medication, which was initially given to her by her doctor. When her doctor stopped giving her prescriptions, Jasmine started to buy drugs on the street, sometimes stealing to pay for them. Jasmine was charged, but not convicted, with drug and theft offences. After Jasmine overdosed one day, she got treatment for her addiction. She
eventually went to law school and applied for articles. On her application for articles, Jasmine did not mention her addiction or charges, fearing that she would not be allowed to practice. The Law Society of BC does a criminal record check and discovers the truth about Jasmine's history. You are a lawyer, and Jasmine comes to you for advice. What advice would you give her? What would you tell her about the likely outcome of her Law Society of BC situation?

Simi has been having a hard time finding clients since she opened her own practice after articling. She has been focusing on building a wills and estates practice, but she can't seem to get enough of these files to pay the bills. One day, a client comes into her office with severe injuries as a result of a motor vehicle accident. The client wants Simi to represent her in her claim against ICBC (the insurer). Simi agrees, and begins a claim against ICBC at the BC Supreme Court. She makes a number of errors, including missing a statutory deadline for serving some papers, and not properly instructing a medical expert. In the middle of the trial, the client calls Simi to complain, and Simi, exhausted and overwhelmed, yells, "You can just find another lawyer who will take your crummy little case." The next day, Simi tells the judge that she is withdrawing as counsel. The judge asks her why, and Simi says, "for ethical reasons." On these facts, has Simi or the judge done anything wrong?

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.

30 MARKS (30 minutes) The Truth and Reconciliation Commission's Final Report includes a number of calls to action directed to the legal profession. What does reconciliation mean to you, as a prospective lawyer, and how would you take steps toward reconciliation in your legal career?

END OF EXAMINATION