

CAPA CCP Insider – Web Series

February 12, 2019

Time: 6:45 pm - 7:45 pm - 1.0 Ethics MCLE Credit

Must be in attendance for full hour

Presenter: Carole J. Buckner, Partner and General Counsel

1. Who can be disciplined by the California State Bar?
 - a. Husband and Wife.
 - b. Bookkeeper and Husband.
 - c. Wife and Bookkeeper.
 - d. Husband, Wife and Bookkeeper.

Correct answer is A. Both are responsible for the client trust accounting for the firm. Wife is responsible as a managing partner required to have procedures in place to handle trust accounting properly, and cannot delegate her responsibility to Husband. Bookkeeper is not an attorney and cannot be disciplined by the California State Bar.

2. Should Law Firm deposit the funds into the client trust account or the operating account?
 - a. Only the \$5,000 flat fee must go into the client trust account.
 - b. Only the \$15,000 fee should go into the client trust account.
 - c. Both fees should be deposited into the client trust account.
 - d. Neither fee should be deposited into the client trust account.

Correct answer is C. Under the client trust accounting rules, an advance fee must go into the client trust account. The exceptions for flat fees are not applicable under the facts given.

3. Is the fee agreement enforceable as between Lawyer and Attorney? As to Client #2?
 - a. The fee sharing arrangements meet ethics requirements.
 - b. The fee sharing arrangements do not meet ethics requirements.
 - c. Only the agreement between Lawyer and Attorney meets ethics requirements.
 - d. Only the agreement between Lawyer and Client #2 meets ethics requirements.

Correct answer is B. Both agreements must be in writing, and must be made at or around the same time.

4. Should Attorney read the letter, send it back or send it to the Client #3?
 - a. Attorney may read the letter.
 - b. Attorney must read the letter.
 - c. Attorney must contact the sender of the letter.
 - d. Attorney must send the letter to the client.

Correct answer is C. The attorney should contact the sender, without reading the letter, and without sending it to the client, to determine how to proceed.

5. As long as everything is consensual, can Attorney continue representation of Company?
 - a. Attorney's relationship violates the applicable ethical rule.
 - b. The relationship is permissible given that it is consensual.
 - c. The relationship must be disclosed to Company.
 - d. Attorney must withdraw only if manager complains.

Correct answer is A. Attorney cannot engage in a sexual relationship with Manager if it begins after the engagement, unless the relationship is with a spouse/domestic partner.

6. How should Lawyer proceed?
 - a. Lawyer should file the motion to withdraw with the information indicated.
 - b. Lawyer should file the motion to withdraw based on irreconcilable differences with the client.
 - c. Lawyer has no basis for withdrawing from the case.
 - d. Lawyer can withdraw without the court's approval.

Correct answer is B. The lawyer can file a motion to withdraw, but cannot disclose information to the court when doing so that is confidential.

7. Which of these activities, if any, involve the unauthorized practice of law?
 - a. Only the representation of the cousin.
 - b. Only the delegation of the research to the paralegal.
 - c. All of the above.
 - d. None of that above.

Correct answer is C.