**TCR 20S - Class 10**

**Baby Jessica Discussion Questions**

**Anonymous Grading**

**Due: Wednesday, April 8 by 6pm**

**No points will be given for answers to Baby Jessica discussion questions posted to drop box after 6pm on April 8 absent good cause for late submission. Late submission will be permitted only if the student certifies subject to the Honor Code penalty that, prior to submission, the student has not viewed any materials posted to the syllabus after 6pm on April 8**

Discussion Questions to complete after viewing Baby Jessica Trial video (CourtTV), reading pp 2-39 in Case Studies Vol. II (A), and reviewing readings 133 – 137. 100 word limit for answering each of the three questions below

Compose and save your answers to the questions listed below in a Word document with this file name: Jessica-[ExamNumber]. Submit to the Assignment Dropbox using the link on the syllabus or by going directly to the dropbox. Put your exam number, not your name, on the top of your document and also use it as your unique identifier when prompted during dropbox submission.

[My co-ordinator, Karen Butler, will have access to your exam number, which she will use to post your points to the quiz totals spreadsheet where you are listed by clicker ID number.]

3 points for answers that demonstrate close attention to the video and to the assigned pages in the Case Study, excellent understanding of the relevant Georgia rules of professional conduct and the duties of a lawyer asked to provide joint representation, and ability to apply that understanding to the situations presented by the following questions.

2 points for answers that demonstrate that the video has been viewed and the assigned pages in the Case Study have been read, and basic understanding of relevant Georgia rules of professional conduct and the duties of a lawyer asked to provide joint representation, and some ability to apply that understanding to the situations presented by the following questions.

1 point for a good faith effort to complete this exercise.

Background

Imagine that you are Suellyn Scarnecchia and that you are meeting at the University of Michigan Child Advocacy Clinic with Jan DeBoer (the adoptive father) a day after the meeting between Robby DeBoer and Scarnecchia described in Vol. II(A): 26-28. Assume this is your first meeting with Jan DeBoer; at your suggestion Robby DeBoer is not present. Assume that the Michigan Rules of Professional Conduct (MRPC) are identical to the Georgia Rules. When you discuss the scope and objectives of the representation, pursuant to Rule 1.2(a), Jan says that his objective is “what is best for Jessica” and that he is willing to keep an open mind to the possibility that what might be best would be for the adoption proceedings to end and for custody to go to Dan and Cara, even though at the present he and Robby sincerely believe it would be best for Jessica to stay with them. At your prior meeting with Robby, she indicated that she hoped you could represent both her and Jan jointly. At this meeting Jan indicated the same and so you explain the "reasonable and adequate information about the material risks of and reasonable available alternatives,” to having the Child Advocacy Clinic jointly represent both Robby and Jan regarding the custody of Baby Jessica. He responds that he understands your explanation and wants you to represent him together with Robby since they have the same objective: what is best for Jessica.

Discussion Question 1:

What are all the reasons that you can not proceed at the end of this meeting as if Jan has given informed consent to joint representation?

Discussion Question 2:  
Assume that during the meeting, Jan tells you that when he was a young man he made a “first offender” plea of guilty to breaking and entry to a liquor store in Ann Arbor, something he describes as a drunken prank he committed with some friends. As a first offender plea, he believes that there is no public record of conviction. Robby does not know about the plea or conviction and he is adamant that she not be bothered about this at this stressful time, but says he will tell Robby all the details if it looks like this might come out in court. If you were Scarnecchia, what would you say to Jan at this point?

Discussion Question 3:

Consider the cross-examination of Dan Schmidt by Scarnecchia that you have viewed on the CourtTV video. Keeping in mind the objective of representation, list options for handling the cross-examination differently than you saw on the video that you might have discussed in advance with your clients (assuming joint representation) pursuant to Rule 1.2(a) (“consult … as to the means by which [the objectives] are to be pursued.”)