Name: _____   Date: _____

Class 3 - Possible Questions 15S

1. In the dilemma discussed in Class 1, if the law firm partner who learns that his or her nephew has taken money from the firm's trust account takes no action, is there any basis in the Georgia Rules of Professional Conduct for holding the partner responsible for the nephew's misconduct?

   A. No, because the partner did not order the nephew to take the money.

   B. No, because there is no indication that the partner was the nephew's direct supervisor.

   C. Yes, because the partner failed to take any remedial action.

   D. Yes, because the partner has a family relationship with the lawyer committing the misconduct.

2. On Friday, February 13, 2015 attorney Steve Sobelson mails a letter to Kelly Hensel saying: "I was very sorry to hear from our mutual friend, Basil, about the injuries you suffered last week when a FedEx truck struck you while you were riding your bike on DeKalb Avenue to law school. If you are interested in suing FedEx, give me a call when you are feeling better." Is Steve subject to disbarment?

   A. No, because he isn't making a direct personal contact or phone call to Kelly.
   B. No. as long as he isn't paying Basil anything for the referral.
   C. Yes, because he is sending his letter on Friday the 13th.
   D. Yes, because all forms of direct mail solicitation are prohibited.

3. In Georgia a lawyer is never permitted to charge a contingent fee

   A. for recovering a post-judgment balance due under an order for alimony.
   B. for representing a defendant in a criminal case.
   C. Both A and B.
   D. Neither A nor B.

4. When managing trust accounts required by the Georgia Rules of Professional Conduct,

    A. a lawyer must always use interest bearing accounts for all client funds.

    B. a lawyer is never permitted to deposit personal funds into trust accounts.

    C. a lawyer may never remit interest earned from client funds in a trust account to anyone other than the clients who deposited the funds.

    D. All of the above.

    E. None of the above.