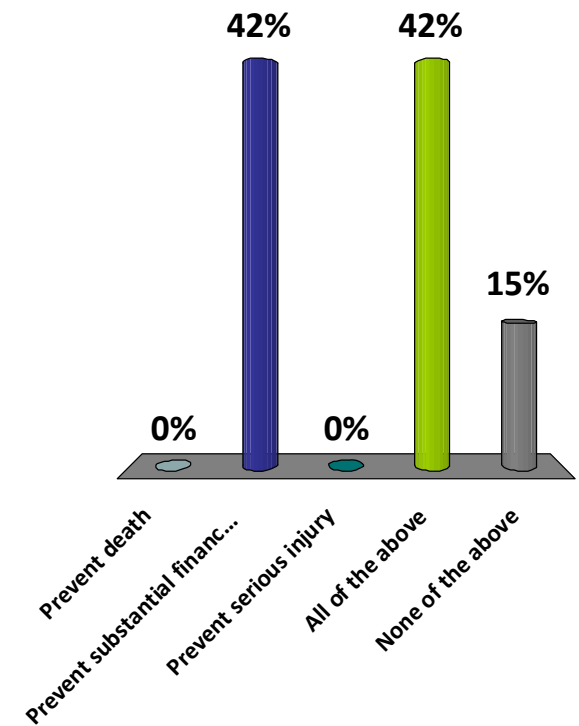


Class 8 Quiz

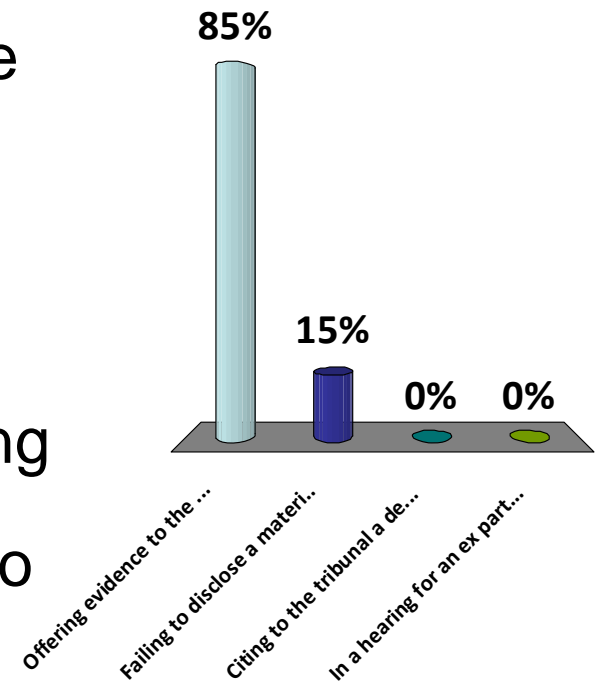
1. Under the Georgia Rules of Professional Conduct, for which of the following exceptions to the duty of confidentiality is it necessary that the lawyer reasonably believe that the harm to be prevented by revealing confidential client information be caused by criminal conduct?

- A. Prevent death
- B. Prevent substantial financial loss
- C. Prevent serious injury
- D. All of the above
- E. None of the above



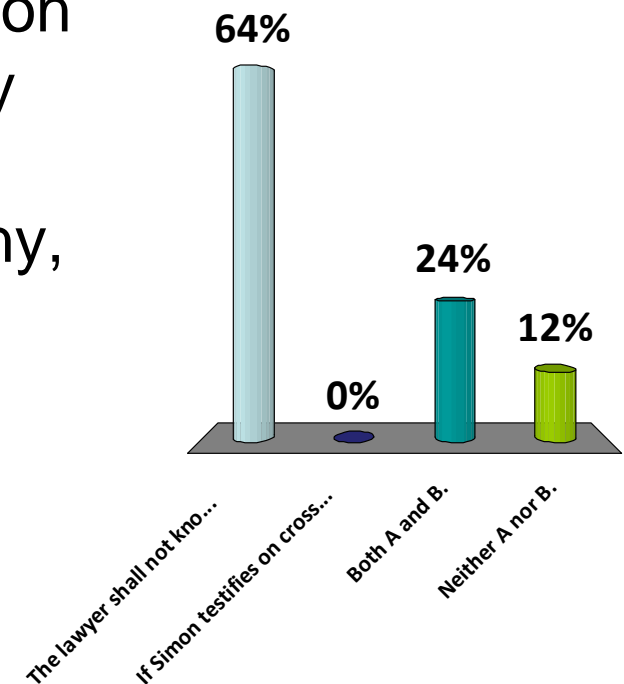
2. Under the Georgia Rules of Professional Conduct, which of the following actions is NOT a violation of the rule on the lawyer's duty of candor to the court?

- A. Offering evidence to the tribunal the lawyer reasonably believes is false.
- B. Failing to disclose a material fact to a tribunal if the result is only that the client is able to commit a fraudulent (but not criminal) act
- C. Citing to the tribunal a decision of the Georgia Court of Appeals as directly supporting your position without disclosing that the case has been overruled by the Georgia Supreme Court.
- D. In a hearing for an ex parte restraining order, failing to disclose a fact to the tribunal that is relevant but adverse to your client's position.



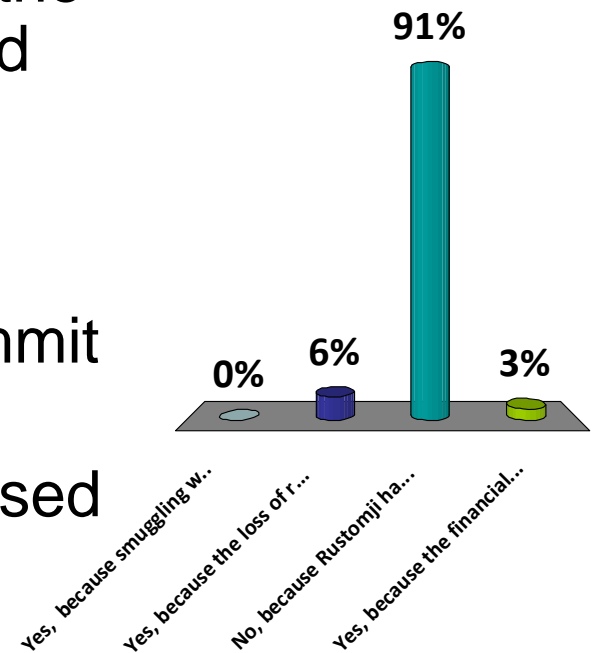
3. Assume DR 7-102 applies to the Simon case instead of RPC 3.3. If Simon admits to her lawyer that the alibi is false,

- A. The lawyer shall not knowingly use testimony regarding this alibi in the hearing before the administrative law judge.
- B. If Simon testifies on cross examination that Gordon was with her on Sunday night and then refuses the lawyer's request to correct that false testimony, the lawyer is required to tell the administrative law judge that Simon's statement was false.
- C. Both A and B.
- D. Neither A nor B.



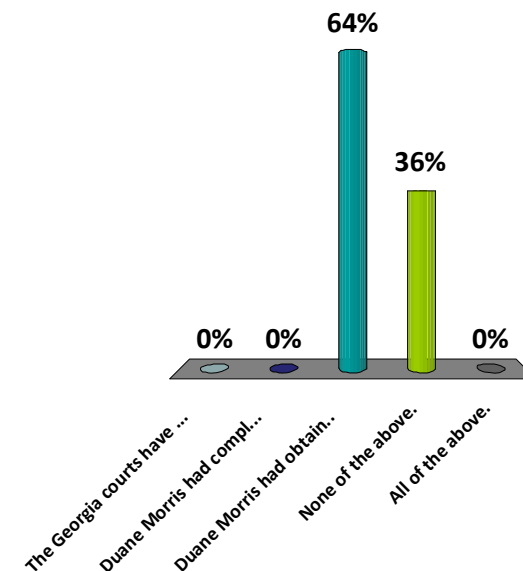
4. Assume that ABA Model Rule 1.6 applied when Parsi Rustomji told Gandhi that he had committed smuggling. Under the facts as described by Gandhi, would he have been permitted under MR 1.6(b) to report Rustomji's past smuggling to the authorities even without Rustomji's permission?

- A. Yes, because smuggling was a crime.
- B. Yes, because the loss of revenue to the government from the smuggling could be considered "injury to the financial interests of another."
- C. No, because Rustomji had not used Gandhi's services as a lawyer to commit the smuggling.
- D. Yes, because the financial injury caused by the smuggling was substantial.



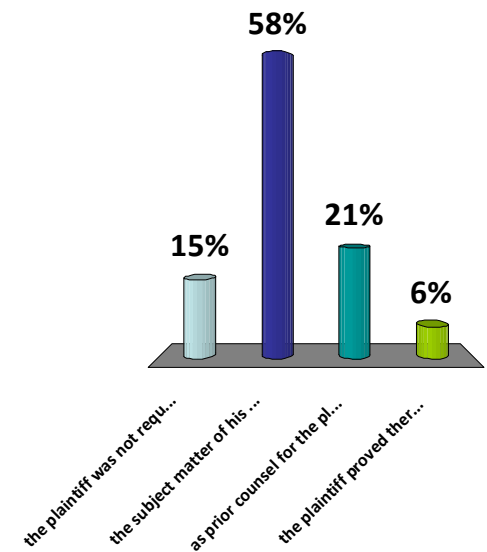
5. In the McKesson case, the plaintiff's motion to disqualify Duane Morris should be denied because

- A. The Georgia courts have held that GRPC 1.7 is not relevant in deciding a motion to disqualify counsel.
- B. Duane Morris had complied with the requirement in GRPC 1.7 (b) that it "reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client."
- C. Duane Morris had obtained the "requisite waiver" through its May 30, 2006 engagement letter, page 3 of which "plainly satisfied" the provisions of GRPC 1.7(b) as quoted in Section B of its Memorandum in Opposition to Plaintiff's motion.
- D. None of the above.
- E. All of the above.



6. In *Sullivan County v. Town of Acworth*, Laurence Gardner was disqualified from representing the defendant absent consent from the plaintiff because

- A. the plaintiff was not required to show that its interests were materially adverse to Gardner's current client.
- B. the subject matter of his prior representation of the plaintiff was substantially related to the current case.
- C. as prior counsel for the plaintiff, Gardner had actually received confidential information that he could use to the advantage of the defendant.
- D. the plaintiff proved there was a real risk that the trial would be tainted if Gardner was allowed to represent the defendant.



7. In the Friedman's case, which of the following statements is **NOT** a correct description of the court's decision?

- A. The conflicts of interest disclosed by Alston & Bird in its letter of 10/24/03 were so great that any consent provided at that time by the Friedman's Audit Committee was not permissible under GRPC 1.7(c)
- B. GRPC 1.7 was relevant in determining the standard of care in the malpractice claim against Alston & Bird
- C. Alston & Bird failed to provide the Friedman's Audit Committee adequate information about the material risks of its continued representation as the scope of its investigation expanded.
- D. Alston & Bird was not required to inform the Audit Committee in writing of its right to consult with independent counsel as a condition of obtaining informed consent.

