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1. Ethical violation has Alison committed

a.request from season ticket to D's game?

CONTINGENCY AGREEMENT

contingency agreements are agreements in which the lawyer's fee are dependent on the outcome of the case. That is depending on the outcome of the case, a lawyer may claim percentage of the recovery from the suit. Family and criminal claims are not allowed be based on a contingency agreements.

here, D is seeking A's service for a criminal matter because D was charged with assaulting Caren at a restaurant. A is asking D to gift her the season ticket if she prevails in the criminal case. There is no indication that the gift is a legal fee. the tickets are referred to as a gift.

Thus, this is not an contingency agreement.

GIFT

Under ABA and California rule, receiving a substantially valuable gifts from a client is prohibited.

here, A has asked for a substantially valuable gift because a season ticked from a professional athlete. Tickets to watch professional games could be costly especially if they are season ticket.

Thus, the season ticket is a gift

In conclusion, A has violated an ethical rule by asking for season tickets to D's game.

b. payment to W?

PAYMENT FOR LAY WITNESS TESTIMONY

under the ABA and California rule, paying a witness is prohibited if they are not providing their expert opinion based on their skills and professional knowledge. The rules prohibit lawyer to pay a lay witness who is testifying from their own personal knowledge. Lawyer may only reimburse lay witness for the reasonable expenses caused in order to testify.

here, W is a waiter at the restaurant where the assault occurred. she was waiting tables and saw the argument between D and C and she did not see the altercation. W is not using the skill or expertise of being waiter to testify. W is only using their own personal knowledge to testify regarding her experience. Here, A has agreed to pay an hourly fee plus the tips at the restaurant for the testifying and for an entire day of preparation. If it is established that W missed wok on the day where he had to testify and therefore did not earn any money from because of that, W is entitled to be reimbursed for that. However, A is only paying W for agreeing not to meet with the prosecutor, and not only because W will be testifying and attending as a witness. A is not paying W to reimburse him for missing work on traveling to the court, but also for agreeing to

not meet with the opposing party.

Thus, payment to the lay witness is violated.

DUTY OF FAIRNESS TO THE OPPOSING PARTY

A lawyer has a duty of loyalty to the opposing party which prohibit a lawyer from obstructing access of the opposing party to evidence or failure to notify them of any adverse legal or factual points in the case of lack of acknowledgment from the opposing party.

here, A has obstruct the opposing party to an evidence because A has made W to not meet with the prosecutor before trial. By influencing W to not meet with the prosecutor, A has not allowed the opposing party to have access to an important material facts.

Thus, A has violated duty of fairness to the opposing party.

c. payment to E?

PAYING EXPERT WITNESS

lawyers are allowed to pay expert witness for testifying using their skills and experiences as long as the amount if reasonable and fair and it is for using their expertise and knowledge in the subject matter.

Here, E is testifying as an expert witness because E is an experienced video technician who can testify on the quality of the video. A is allowed to pay the expert witness of the case a fee.

Thus, paying expert witness did not violate the rules.

d. presentation of E's expert opinion?

DUTY OF CANDOR

Under ABA and California rule, a lawyer shall not make any claim knowing that it is wrong, or fail to correct any false evidence or testimony or make any false statement.

Here, A knows that W's testimony is not based on true statement of facts and A knows that the testimony that A is about to make is false and there is not truth to it. Moreover, A has convinced E to change her mind and testify that there was no assault happening at the restaurant. A knows that E, the expert witness is about to make false statement and has failed to take any actions to correct it.

Thus, A has violated the duty of candor.

E. A's statement in closing argument?

MAKING FRIVOLOUS CLAIM

under the ABA and California rule, a lawyer is prohibited to bring a claim where there is no legal or factual basis to support the theory of the case.

Here, A knows that there is no factual basis to support the fact that D did not assault C, however, he decides to still based her defense on video and claim that D was not guilty. By arguing that the video showed that there is not assault, A has made untrue statement about factual basis of the defense.

Thus, making frivolous claim

DUTY OF LOYALTY

a lawyer must have a duty of loyalty to its client, and avoid any conflict of interest that is adverse to the client's position unless it violates any ethical rules.

here, A's duty of loyalty does not contain the fact that she has made untruthful statement during its closing statement since making false statement violates ethical rules.

Thus, duty of loyalty was not violated.

Question #3 Final Word Count = 939

END OF EXAM