

CHAPTER 2
ETHICS IN A FAMILY LAW PRACTICE
Test Bank Questions

TRUE/FALSE

Indicate whether the statement is true or false.

1. Twenty-five percent of all grievances filed against attorneys involve family law cases.
2. Paralegals can set fees only if the quoted fees are accurate and not deceptive.
3. A letter of nonengagement helps avoid a misunderstanding on whether a law office has agreed to represent a particular client.
4. Ethical competence is using the knowledge and skill that all licensed attorneys use in their practice.
5. It is unethical for an attorney to offer unbundled legal services.
6. In some states, contingent fees are allowed for cases in which the client is asking the attorney to collect child-support arrearages.
7. Dilatory tactics are ethical only if the attorney has a meritorious case.
8. The ethical rule on confidentiality is limited to secrets or matters explicitly communicated in confidence with a client.
9. There cannot be a conflict of interest if the client is not actually harmed by what the attorney does.
10. Even though a paralegal cannot be disciplined by the bar association, the paralegal can cause an imputed disqualification of a law firm.

MULTIPLE CHOICE

Identify the letter of the choice that best completes the statement or answers the question.

11. Ralph Adams runs a brief radio ad. The ad says that he has “10 years of extensive experience” and that he is a “divorce attorney.” Although Ralph has been a bond attorney for 10 years, he has never had a divorce client because he is just starting his family law practice. The ad does not say this.
 - a. The ad is misleading because it does not give the listener a way to verify his credentials.
 - b. The ad is misleading because it gives the impression that his experience is in divorce cases.
 - c. The ad is not misleading because Ralph is in fact a licensed attorney.
 - d. The ad is not misleading because Ralph has in fact been in practice for 10 years.

12. Irene is a paralegal at the office of Owens & Owens. One of the clients of the office is Xavier, who is suing his ex-wife, Rita, for violation of their separation agreement. Irene goes to Rita's Facebook page and requests to be friended. In her request, she says that Irene and Rita went to the same high school, which is true. Irene does not tell Rita that she works for her ex-husband's attorney and that she is trying to find any online information that might help his case against her.
 - a. Irene's friend request is not deceptive, because she is seeking no more information than Rita chooses to reveal online.
 - b. Irene's friend request is not deceptive, because the information she provides to Rita is true.
 - c. Irene's friend request is deceptive because she does not disclose the purpose of her request.
 - d. Irene's friend request is deceptive because Rita has no way of verifying Irene's motives.
13. Robert Smith is a member of a photo-sharing online site. His photos can be viewed only when he grants the request of someone who wants to "follow" him. Kelly is an attorney. She sends a "follow" request to Robert. She identifies herself as an attorney who represents Mary Smith in her divorce action against Robert. Robert is represented by Zackery Jackson, Esq.
 - a. The "follow" request is ethical because Kelly disclosed that she was an attorney who represents Mary Smith.
 - b. The "follow" request is ethical because the photo activity does not appear to be related to the divorce.
 - c. The "follow" request is unethical because Kelly should have obtained the permission of Robert's attorney (Zackery Jackson) to make the request.
 - d. The "follow" request is unethical because online communications are vulnerable to violations of confidentiality.
14. Tom Long, Esq., is a divorce attorney. He buys a list of 50,000 email addresses of adults in his city. As he scans the list, he does not recognize anyone associated with any of the addresses. He sends each of them a message that says, "Do you need a divorce attorney? If so, call Tom Long, Esq." This mass email solicitation:
 - a. is unethical because many of the recipients would consider it offensive spam
 - b. is unethical because it was real-time communication
 - c. is ethical because the Internet consists of networks of open-forum communication
 - d. is ethical because it is not real-time communication, is not misleading or untruthful; does not involve coercion or duress; and is not being sent to anyone on the list that Tom knows does not want to be solicited

SHORT ANSWER ESSAY

15. Define ethics.
16. What is the danger posed by contingent fees in family law cases?
17. When can an attorney reveal a client confidence?
18. Define conflict of interest.
19. When is a Chinese Wall needed?
20. Define commingling of funds.
21. What is collaborative law?
22. Give an example of false notarization.

FILL IN THE BLANK

Complete each statement.

23. When you _____ data, you convert the data into a code that renders it incomprehensible until it is reconverted to a readable format by an authorized recipient.
24. A conflicts check is a determination of whether a conflict of interest exists that might _____ a law office from representing a client or from continuing the representation.
25. A client's case is _____ if the attorney has a reasonable basis to believe that the client's claim or defense will succeed.
26. _____ legal services consist of all tasks needed to represent a client on a legal matter; all-inclusive legal services.
27. Representing more than one side in a legal matter or controversy is called _____ representation.
28. An assumption or inference of fact is _____ if a party will be allowed to try to disprove it but will be treated as true if it is not disproved.

MATCHING

Match each numbered entry with the most relevant lettered entry below.

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|-------------------------------|---|
| a. continuing legal education | 29. limited-scope representation |
| b. metadata | 30. an opposing goal or claim |
| c. commingling | 31. unjustified delay |
| d. disinterested | 32. an employer is responsible for the conduct of an employee |
| e. legal malpractice | 33. an agreement to do something after knowing the benefits and risks |
| f. collaborative law | 34. information hidden within a document |
| g. dilatory | 35. not deriving benefit from whoever wins |
| h. adverse interest | 36. further training after finishing formal training |
| i. respondeat superior | 37. not using the skills commonly applied by attorneys |
| j. informed consent | 38. mixing together |