

Testbank

CHAPTER 1

Technology in the Law Office

Chapter 1 Multiple Choice

1. Technology has changed the way functions are performed in the law office. Which function has been the least affected by technology?

- a. interviewing clients and witnesses
- b. researching caselaw
- c. maintaining client billing records
- d. maintaining client information

Answer: a

Objective: Explain the use of technology in the law office

Page Numbers: pp. 3-6

Level: Intermediate

2. Computers are being used with higher frequency to share information in digital format between:

- a. judges and jurors.
- b. attorneys and jurors.
- c. plaintiff and defense attorneys.
- d. remote offices, courthouses, government agencies, and clients.

Answer: d

Objective: Identify technologies that can help the legal team collaborate and work more efficiently.

Page Numbers: pp. 13-18

Level: Basic

3. Why must the legal team and the technology support team learn each other's language?

- a. so that the client can run their own technology in the courtroom.
- b. because each team must speak in court to persuade the jury.
- c. for each team to communicate its needs and solutions to the other.
- d. to enable each team to bill the client.

Answer: c

Objective: Describe the need to understand the language of technology.

Page Numbers: pp. 12-13

Level: Intermediate

4. What is the trend in computers and computer devices:

- a. to return to the mainframe computer model.
- b. toward light weight, portability, and extended battery life.
- c. to move away from web-based programs.
- d. toward larger systems with smaller networks.

Answer: b

Objective: Identify technologies that can help the legal team collaborate and work more efficiently.

Page Numbers: pp. 13-18

Level: Basic

5. The concept that in the legal field, any information with regard to a client, learned from whatever sources, is to be kept in confidence by the legal team.

- a. VoIP
- b. Confidentiality
- c. Online Collaboration
- d. Remote Access

Answer: b

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law.

Page Numbers: pp. 6-8

Level: Basic

6. This term has become a buzzword for shipping work out of the office or out of the country to save money.

- a. Voice recognition software
- b. Smoking Gun
- c. Outsourcing
- d. Remote Access

Answer: c

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law.

Page Numbers: pp. 6-8

Level: Basic

7. This term describes the paper copy of a document

- a. VoIP
- b. Hot Spot
- c. Hard Copy
- d. Attachment

Answer: c

Objective: Identify technologies that can help the legal team collaborate and work more efficiently.

Page Numbers: pp. 13-18

Level: Basic

8. How will videoconferencing change the way that law is practiced in the future?

- a. Video conferencing will make it possible to conduct much of the business of a law from remote locations.

- b. Certain types of proceedings may be conducted using video conferencing, thus eliminating the need for parties and attorneys to travel to court
- c. Both of the above
- d. Neither of the above

Answer: c

Objective: Identify technologies that can help the legal team collaborate and work more efficiently.

Page Numbers: pp. 13-18

Level: Intermediate

9. Information technologists are members of the legal team who combine the following two qualities.

- a. verbal skills and legal skills
- b. arbitration skills and legal skills
- c. technology skills and arbitration skills
- d. legal skills and technology skills

Answer: d

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Intermediate

10. The following is a computer substitute for the use of traditional telephone connections.

- a. VoIP
- b. Hot Spot
- c. Hard Copy
- d. Attachment

Answer: a

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Intermediate

11. Why is the quantity of documents increasing in litigation?

- a. Corporations are acquiring more storage space for paper documents.
- b. Employees are keeping more hard copies of documents in binders in the office.
- c. Electronically stored information has reduced retention costs.
- d. Companies now have paper quotas per employee.

Answer: c

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Intermediate

12. The following allows the legal team to dictate working legal drafts into almost any program

- a. Voice recognition software
- b. VoIP
- c. Hotspot
- d. Attachment

Answer: a

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Basic

13. Which of the following tasks is generally not performed using the Internet.
- a. Conducting both factual and legal research.
 - b. Obtaining government information
 - c. Sharing digital files
 - d. None of the above

Answer: d

Objective: Explain the use of technology in the law office

Page Numbers: pp. 3-6

Level: Intermediate

14. The following is an off-site computer used to store records that may be accessed over secure Internet connections.
- a. Attachments
 - b. VoIP
 - c. Electronic Repository
 - d. None of the above

Answer: c

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Intermediate

15. Larger law offices, corporate legal departments, and government offices usually have a technical support staff called the following:
- a. Commercial Litigation Department
 - b. Information Technology Department
 - c. Electronic Repository
 - d. Administrative Support Professionals

Answer: b

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Intermediate

16. The legal team and the technology support team must do the following in order for one team to communicate its needs and solutions to the other.

- a. Use the Same Administrative Support Professionals
- b. Learn Each Other's Language
- c. Work remotely from different locations
- d. None of the above

Answer: b

Objective: Describe the need to understand the language of technology

Page Numbers: pp. 12-13

Level: Intermediate

17. The advances in portable computers and wireless technologies have increased the demand placed on IT departments

- a. to support the legal team outside the office.
- b. to learn the Federal Rules of Civil Procedure
- c. to work on the mainframe
- d. to obtain additional servers

Answer: a

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Difficult

18. Technology has had a significant impact not only on the ability to retain documents, but also on the following:

- a. increased demand for off-site storage space for paper documents
- b. the ability to find and access documents
- c. the decreased retention of documents
- d. the decreased demand for IT professionals

Answer: b

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Intermediate

19. The field of law has developed its own lexicon of terms that enables those in the legal community:

- a. to work from hotspots.
- b. to service their own computer systems.
- c. to communicate effectively and with precision.
- d. to speak with the in-house IT department.

Answer: c

Objective: Describe the need to understand the language of technology

Page Numbers: pp. 12-13

Level: Intermediate

20. A chief information officer or chief technology officer at a corporate firm must anticipate change and

- a. find ways to avoid implementing it.
- b. supervise paralegals.
- c. find the smoking gun.
- d. plan for it in concrete and innovative ways.

Answer: d

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Basic

Chapter 1 True-False

1. Technology has had a significant impact not only on the ability to retain documents, but also on the ability to find and access those documents.

- a. True
- b. False

Answer: True

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Intermediate

2. The advances in portable computers and wireless technologies have decreased the demand placed on IT departments to support the legal team outside the office.

- a. True
- b. False

Answer: False

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Difficult

3. Remote collaboration involves members of the legal team and clients at one location working together.

- a. True
- b. False

Answer: False

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Intermediate

4. The Federal Rules of Civil Procedure have not been amended to address electronic documents.

- a. True
- b. False

Answer: False

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Basic

5. Lawyers, paralegals, other members of the legal team, and the members of the technology support team must learn each other's language because understanding such differences in terminology is essential to working together effectively and meeting the needs of clients.

- a. True
- b. False

Answer: True

Objective: Describe the need to understand the language of technology

Page Numbers: pp. 12-13

Level: Intermediate

6. The quantity of documents is decreasing in litigation.

- a. True
- b. False

Answer: False

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Intermediate

7. VoIP allows spoken words to be converted directly into text.

- a. True
- b. False

Answer: False

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Intermediate

8. Everyone on the legal team must have a working familiarity with computers and the types of computer programs used in the law office.

- a. True
- b. False

Answer: True

Objective: Explain the use of technology in the law office

Page Numbers: pp. 3-6

Level: Basic

9. Members of the legal team may also use the Internet to work together using online collaboration software.

- a. True
- b. False

Answer: True

Objective: Explain the use of technology in the law office

Page Numbers: pp. 3-6

Level: Basic

10. Litigation support professionals are generally not required to track and bill time.

- a. True
- b. False

Answer: False

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Intermediate

11. A chief information officer or chief technology officer at a corporate firm must anticipate change and plan for it in concrete and innovative ways.

- a. True
- b. False

Answer: True

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Basic

12. To the technology specialist, *protocol* is defined as a summary of a document or a treaty; or, a treaty amending another treaty, or the rules of diplomatic etiquette.

- a. True
- b. False

Answer: False

Objective: Describe the need to understand the language of technology

Page Numbers: pp. 12-13

Level: Difficult

13. Contemporary smoking gun documents may include emails, text messages or similar electronic communications that are generated and stored in an organization or client's data server.

- a. True
- b. False

Answer: True

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Basic

14. The field of law has developed its own lexicon of terms that enables those in the legal community to communicate effectively and with precision.

- a. True
- b. False

Answer: True

Objective: Describe the need to understand the language of technology

Page Numbers: pp. 12-13

Level: Basic

15. The trend in computers has been toward heavier and less portable devices.

- a. True
- b. False

Answer: True

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Difficult

Chapter 1 Fill in the Blank

1. Many law firms and their clients currently use _____ on a regular basis as a method of “face-to-face” communication when parties are at remote sites.

Answer: videoconferencing

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Basic

2. The recent amendments to the _____ have had a major impact on thinking about technology in the practice of law.

Answer: Federal Rules of Civil Procedure

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Intermediate

3. _____ software, like Dragon Naturally Speaking, allows the legal team to dictate working legal drafts into almost any program

Answer: voice recognition software

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Basic

4. To obtain the best service from the consultant, the legal team must speak the same _____ as the consultant when defining the scope of service and the desired results.

Answer: language

Objective: Describe the need to understand the language of technology

Page Numbers: pp. 12-13

Level: Basic

5. _____ is rapidly replacing paper format note taking.

Answer: Electronic note taking.

Objective: Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 13-18

Level: Basic

6. A member of the legal team who has legal and technology skills and primarily supports electronic discovery activities is called _____

Answer: information technologist

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Basic

7. _____ is an off-site computer used to store records that may be accessed over secure Internet connections.

Answer: Electronic repository

Objective: Explain the use of technology in the law office

Page Numbers: pp. 3-6

Level: Basic

8. _____ has become a buzzword for shipping work out of the office or out of the country to save money.

Answer: Outsourcing

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Intermediate

9. In a large firm, the _____ handles questions and issues concerning the use and implementation of technology in general, and computers and software in particular.

Answer: IT staff

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Difficult

10. The new _____ organize and formalize what had once been a patchwork of court rules and case law on electronic discovery.

Answer: Federal Rules of Civil Procedure

Objective: Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law

Page Numbers: pp. 6-8

Level: Intermediate

11. Increasingly, the legal team must work with _____ in order to use computers and electronic data effectively.

Answer: technology professionals

Objective: Explain the use of technology in the law office

Page Numbers: pp. 3-6

Level: Intermediate

12. The _____ and the technology support team must learn each other's language in order for one team to communicate its needs and solutions to each other.

Answer: legal team

Objective: Describe the need to understand the language of technology

Page Numbers: pp. 12-13

Level: Basic

Chapter 1 Matching

1. outsourcing	a. an electronic format that allows information to be transmitted electronically
2. remote access	b. the paper copy of a document
3. digital format	c. the use of persons or services outside the office staff.
4. hard copy	d. allows members of the legal team working on cases out of the office to connect with the office file server or other Internet data repository
5. online collaboration	e. In the legal field, any information with regard to a client, learned from whatever sources, that is to be kept in confidence by the legal team.
6. VoIP	f. A document hidden among old files that could conclusively impeach or destroy the

	credibility of a witness or be evidence that conclusively determines an issue
7. wireless computer networks	g. People who work from remote locations, typically from home.
8.voice recognition software	h. Using the Internet to conduct meetings and share documents.
9. smoking gun	i. A wireless access point, usually in a public area
10. confidentiality	j. An Internet replacement for traditional telephone connections.
11. hotspot	k. use radio signals to transmit information to wireless access points.
12. teleworkers	l. allows spoken words to be converted directly into text

1. c
2. d
3. a
4. b
5. h
6. j
7. k.
8. l
9. f
10. e
11. i
12. g

Objective: n/a

Page Numbers: n/a

Level: Basic

Chapter 1 Essay

1. What can the members of a legal team do to make their relationship with IT staff more productive?

Answer: It is important for the legal team to speak the same language as the IT staff. The attorneys and paralegals should be able to understand the same technical terminology so that they can express to IT what is needed, and understand any proposed solutions. It is not necessary for the legal team to be experts, but they need to know enough to know what they don't know, and when to seek assistance from IT.

Objective: Explain the role of the technology support staff & describe the need to understand the language of technology

Page Numbers: pp. 8-13

Level: Difficult

2. What are some of the growing trends in law office technology? Describe three ways in which law office technology is expected to change in the future and how these changes will affect the practice of law.

Answer: Computers and similar devices are expected to become smaller and more portable. This will allow more work to be performed at remote locations, away from the office.

Videoconferencing is expected to become more advanced, allowing more meetings to be conducted among different people in separate locations. Court rules are allowing depositions and status conferences to be conducted by people in different locations. Voice recognition software is becoming faster and more accurate. This technology allows voice to be automatically transcribed, saving time and costs.

Objective: Explain the use of technology in the law office & Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 3-6; 13-18

Level: Intermediate

3. What is the role of the technical support staff in the law office?

Answer: Technical support staff members are responsible for ensuring the proper installation and functioning of computer equipment and software. They must also communicate with the legal team to assist in performing specific technological tasks in relation to trial preparation and litigation.

Objective: Explain the role of the technology support staff

Page Numbers: pp. 8-12

Level: Basic

4. How does the legal team use the Internet to assist in the practice of law?

Answer: The Internet is increasingly used to conduct both factual and legal research. Most government information can be obtained through the Internet, including civil and criminal docket sheets, corporate filings, as well as information published by federal administrative agencies and state and local governments. Digital files are shared using the Internet, as well as CDs, DVDs, and attachments to emails. Law firms are also using the Internet to create websites, market their services and to provide summaries and commentary on recent legal rulings. Finally, the Internet is used to file documents electronically with the court and to receive notifications of upcoming trial, arbitration and hearing dates.

Objective: Explain the use of technology in the law office

Page Numbers: pp. 3-6

Level: Intermediate

5. Identify three ways that technology has changed the way traditional procedures are performed in the practice of law:

Answer: Computer devices are being used with greater frequency to communicate and share information in digital format between remote offices, courthouses, government agencies, and clients. The legal team is increasingly using the Internet for more than just pure legal research. The increase in the use of electronic filing and documents in litigation, and federal and state rules and case law on electronic discovery, are increasing the demand for skills and knowledge in the use of technology in civil litigation. The trend is toward eliminating paper in the law office through the use of computer technology and software. Members of the legal team frequently work from locations other than the firm's main office, such as a home office, satellite office, or another firm.

Objective: Explain the use of technology in the law office; Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law.

Page Numbers: pp. 3-8

Level: Intermediate

Chapter 1 Critical Thinking

1. *What are some of the disadvantages associated with the increased use of technology in the law office?*

Answer: Less face to face conversation, longer work hours, legal staff is expected to work from home in the evenings and weekends, clients are expecting answers to questions more quickly.

Objective: Explain the use of technology in the law office, explain the role of the technology support staff, identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 3-6

Level: Difficult

2. What are some ways that technology can be used to increase efficiency and productivity in the law office?

Many law firms and their clients currently use videoconferencing on a regular basis as a method of "face-to-face" communication when parties are at remote sites, such as depositions, hearings or conferences. With voice recognition software, it is now possible to dictate working drafts of legal documents directly into almost any other program, including word processors, spreadsheets, and databases, without touching a computer keyboard. Remote access allows members of the legal team working on cases out of the office to connect with the office file server or other Internet data repository to retrieve documents, work on them, and send them to other members of the legal team or clients anywhere in the world. Remote collaboration involves members of the legal team and clients at multiple locations working together as if they were in the same physical location. Cloud computing has emerged in which all files are maintained on a centralized or cloud server, like Microsoft OneDrive or DropBox.

Objectives: Explain the use of technology in the law office, Discuss the impact of the Federal Rules of Civil Procedure on electronic documents and the use of technology in the law, Identify technologies that can help the legal team collaborate and work more efficiently

Page Numbers: pp. 3-8; 13-18
Level: Difficult

CHAPTER 2

Ethics and Professional Responsibility in a Technology Age

Chapter 2 Multiple Choice

1. Which of the following prevents the disclosure of confidential information as evidence:
 - a. conflict of interest
 - b. claim of privilege
 - c. duty of candor
 - d. duty of fairness

Answer: b

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Intermediate

2. The term that refers to a person authorized to act on behalf of another is:

- a. principal
- b. juror
- c. agent
- d. bespoke

Answer: c

Objective: Describe the ethical obligation of appropriate hiring, delegating, and supervising owed by managing and supervising attorneys

Page Numbers: pp. 47-48

Level: Basic

3. Ethics are the minimally accepted standards of conduct in a profession. For lawyers, ethics are determined by state law, which is primarily based on the following:

- a. The Model Rules of Professional Conduct
- b. The Federal Rules of Evidence
- c. The Federal Rules of Judicial Conduct
- d. The Federal Rules of Civil Procedure

Answer: a

Objective: Define legal ethics in terms of duties owed to the client and the legal system

Page Numbers: pp. 26-27

Level: Intermediate

4. Confidentiality, the ethical obligation to keep client information confidential, is founded on the belief that:

- a. attorneys can give the client 100% assurance of a not guilty or not liable verdict.
- b. clients should be able to tell their attorneys everything about their case, so proper legal advice can be given.
- c. clients have the right to remain silent.
- d. clients often forget to tell their attorney all about their case.

Answer: b

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Intermediate

5. The concept that in the legal field, any information with regard to a client, learned from whatever sources, is to be kept in confidence by the legal team.

- a. VoIP
- b. Confidentiality

- c. Online Collaboration
- d. Remote Access

Answer: b

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Basic

6. Ethics are:

- a. laws that all must follow
- b. an individual's sense of right and wrong.
- c. minimally accepted standards of conduct within a profession.
- d. all of the above

Answer: c

Objective: Define legal ethics in terms of duties owed to the client and the legal system

Page Numbers: pp. 26-27

Level: Intermediate

7. Who must follow the rules of ethical behavior in the legal profession:

- a. lawyers only
- b. information technologists only
- c. paralegals only
- d. every member of the legal team

Answer: d

Objective: Define legal ethics in terms of duties owed to the client and the legal system

Page Numbers: pp. 26-27

Level: Basic

8. The person responsible for ensuring compliance with ethical rules is:

- a. the fiduciary.
- b. the agent
- c. the supervising attorney
- d. the technology staff

Answer: c

Objective: Describe the ethical obligation of appropriate hiring, delegating, and supervising owed by managing and supervising attorneys

Page Numbers: pp. 47-48

Level: Intermediate

9. Which of the following is true?

- a. Confidentiality is an ethical obligation; privilege is a rule of evidence.
- b. Confidentiality is a rule of evidence; privilege is a rule of evidence.
- c. Confidentiality is an ethical obligation; privilege is an ethical obligation.
- d. Confidentiality is a rule of evidence; privilege is an ethical obligation.

Answer: a

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Intermediate

10. The self-defense exception:

- a. allows the attorney to waive the attorney-client privilege.
- b. allows the client to waive the attorney-client privilege.
- c. does not apply to the attorney-client privilege.
- d. none of the above

Answer: a

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Intermediate

11. Documents prepared in the normal operation of the client's business that are given to the legal team:

- a. are not protected by the work product doctrine.
- b. are not protected by client confidentiality.
- c. are protected based on work product doctrine.
- d. are protected based on client confidentiality.

Answer: a

Objective: Explain the function of the work product doctrine

Page Numbers: pp. 34-35

Level: Difficult

12. Documents prepared for internal investigations and audits:

- a. are protected based on client confidentiality.
- b. are not protected by client confidentiality.
- c. are not protected by the work product doctrine.
- d. are protected based on the work product doctrine.

Answer: c

Objective: Explain the function of the work product doctrine

Page Numbers: pp. 34-35

Level: Basic

13. The ethical duty of competence requires:

- a. loyalty to the client
- b. advocating a legal position to the court.
- c. preventing the disclosure of confidential communications.
- d. the legal knowledge, skill, thoroughness, and preparation reasonably necessary for representation

Answer: d

Objective: Discuss the ethical obligation of competency in a digital age

Page Numbers: pp. 39-40

Level: Intermediate

14. The ethical obligation to not mislead the court or opposing counsel with false statements of law or facts is:
- a. competence
 - b. confidentiality
 - c. conflict of interest
 - d. candor.

Answer: d

Objective: Explain the rationale for the obligations of candor and fairness in litigation

Page Numbers: pp. 40-47

Level: Basic

15. Which of the following is NOT one of the recognized privileges under the rules?
- a. police officer-accused
 - b. participants in settlement negotiations
 - c. priest-penitent
 - d. attorney-client

Answer: a

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Difficult

16. Ethics are enforced by:
- a. the highest court of the jurisdiction in which the attorney practices.
 - b. the police of the jurisdiction in which the attorney practices
 - c. the state bar association of the jurisdiction in which the attorney practices
 - d. the governor of the jurisdiction in which the attorney practices.

Answer: a

Objective: Define legal ethics in terms of duties owed to the client and the legal system

Page Numbers: pp. 26-27

Level: Basic

17. Lawyers should use their best skills in presenting a case, but avoid destruction or tampering with evidence. Which ethical rule is this?
- a. fairness to opposing party/counsel
 - b. conflict of interest
 - c. duty to supervise
 - d. competency

Answer: a

Objective: Explain the rationale for the obligations of candor and fairness in litigation

Page Numbers: pp. 40-47

Level: Basic

18. In a completely virtual law practice,
- a. all communication is electronic through the Internet or by telephone
 - b. the lawyer and client may never actually meet face-to-face
 - c. the practitioner may never enter a traditional law office
 - d. all of the above

Answer: d

Objective: Describe the ethical issues in a virtual law office

Page Numbers: pp. 48-51

Level: Intermediate

19. Which of the following is not one of the three traditional views involving the inadvertent disclosure of documents:

- a. automatic waiver
- b. seldom waiver
- c. balancing test
- d. no waiver

Answer: b

Objective: Explain the potential consequences of an inadvertent disclosure of confidential information

Page Numbers: pp. 35-37

Level: Intermediate

20. Ethical guidelines require lawyers to provide competent representation. In the technology age, lawyers need to be able to communicate with clients:

- a. about how electronic documents are created
- b. the sources of electronic documents
- c. the methods used to retrieve the documents
- d. all of the above

Answer: d

Objective: Discuss the ethical obligation of competency in a digital age

Page Numbers: pp. 39-40

Level: Basic

21. _____ to the client is the essence of Rule 1.7, Conflict of Interest, of the ABA Model Rules of Professional Conduct.

- a. Attention
- b. Listening
- c. Devotion
- d. Loyalty

Answer: d

Objective: Discuss the reasons for conflict of interest rules

Page Numbers: pp. 37-38

Level: Intermediate

22. Inadvertent disclosure of confidential information:

- a. is admissible in court.
- b. may be admissible in court depending on the rule adopted in the jurisdiction.
- c. is inadmissible if the attorney promptly tries to retrieve it.
- d. is not admissible in court.

Answer: b

Objective: Explain the potential consequences of an inadvertent disclosure of confidential information

Page Numbers: pp. 35-37

Level: Intermediate

23. The basis of the conflict of interest rule is the belief that a person cannot be _____ to two clients.

- a. Providing Payment
- b. Listening
- c. Delegating
- d. Loyal

Answer: d

Objective: Discuss the reasons for conflict of interest rules

Page Numbers: pp. 37-38

Level: Intermediate

24. Another phrase used to describe a virtual law practice is:

- a. E-Lawyering
- b. Trusts and Estates
- c. Domestic Relations
- d. Civil Litigation

Answer: a

Objective: Describe the ethical issues in a virtual law office

Page Numbers: pp. 48-51

Level: Intermediate

Chapter 2 True-False

1. The use of the Internet and other forms of electronic communication do not change the rules regarding the unauthorized practice of law.

- a. True
- b. False

Answer: True

Objective: Describe the ethical issues in a virtual law office.

Page Numbers: pp. 48-51

Level: Intermediate

2. The supervising attorney will suffer any sanctions that result from a failure of the members of the legal team to follow and enforce the ethical rules.

- a. True
- b. False

Answer: True

Objective: Describe the ethical obligation of appropriate hiring, delegating, and supervising owed by managing and supervising attorneys

Page Numbers: pp. 47-48

Level: Difficult

3. The ethical duty of fairness is violated if in a criminal case if a prosecutor does not turn over exculpatory evidence that might show a defendant is innocent.

- a. True
- b. False

Answer: True

Objective: Explain the rationale for the obligations of candor and fairness in litigation

Page Numbers: pp. 40-47

Level: Intermediate

4. A lawyer can still represent a client when the attorney has a financial interest in the subject matter of the case.

- a. True
- b. False

Answer: False

Objective: Discuss the reasons for conflict of interest rules

Page Numbers: pp. 37-38

Level: Intermediate

5. Lawyers, paralegals, other members of the legal team, and the members of the technology support team must learn each other's language because understanding such differences in terminology is essential to working together effectively and meeting the needs of clients.

- a. True
- b. False

Answer: True

Objective: Discuss the ethical obligation of competency in a technology age.

Page Numbers: pp. 39-40

Level: Intermediate

6. The quantity of documents is decreasing in litigation.

- a. True
- b. False

Answer: False

Objective: Discuss the ethical obligation of competency in a technology age.

Page Numbers: pp. 39-40

Level: Intermediate

7. “Virtual law office” or “e-lawyering” are terms used to describe a law practice that exists online, as opposed to the traditional “storefront” law office.

- a. True
- b. False

Answer: True

Objective: Describe the ethical issues in a virtual law office.

Page Numbers: pp. 48-51

Level: Basic

8. In a completely virtual law practice, the lawyer and client may never actually meet face-to face; all communication is electronic through the Internet or by telephone.

- a. True
- b. False

Answer: True

Objective: Describe the ethical issues in a virtual law office.

Page Numbers: pp. 48-51

Level: Basic

9. The legal team must competently research and present the current statutory and case law, even when the most current version is not favorable to the position taken.

- a. True
- b. False

Answer: True

Objective: Explain the rationale for the obligations of candor and fairness in litigation.

Page Numbers: pp. 40-47

Level: Intermediate

10. The conflict of interest doctrine requires that an attorney not mislead the court or opposing counsel with false statements of law or facts that the lawyer knows to be false.

- a. True
- b. False

Answer: False

Objective: Discuss the reasons for conflict of interest rules.

Page Numbers: pp. 37-38

Level: Intermediate

11. Competent representation means providing the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation of a client.

- a. True
- b. False

Answer: True

Objective: Discuss the ethical issues of competency in a digital age.

Page Numbers: pp. 39-40

Level: Basic

12. The basis of the rule of confidentiality is the belief that a person cannot be loyal to two clients.

- a. True
- b. False

Answer: False

Objective: Explain the difference between the duty of confidentiality and the attorney-client privilege.

Page Numbers: pp. 28-33

Level: Intermediate

13. Automatic waiver is a doctrine that looks at several factors when faced with an inadvertent disclosure of documents, including: (1) the nature of the methods taken to protect the information; (2) the efforts made to correct the error; (3) the extent of the disclosure; and (4) fairness.

- a. True
- b. False

Answer: False

Objective: Explain the potential consequences of inadvertent disclosure of confidential information.

Page Numbers: pp. 35-37

Level: Difficult

14. The work product doctrine provides a limited protection for material prepared by the attorney, or those working for the attorney, in anticipation of litigation or for trial.

- a. True
- b. False

Answer: True

Objective: Explain the function of the work product doctrine.

Page Numbers: pp. 34-35

Level: Basic

15. Agents of lawyers are not covered by the attorney client privilege

- a. True
- b. False

Answer: False

Objective: Describe the ethical obligation of appropriate hiring, delegating, and supervising owed by managing and supervising attorneys

Page Numbers: pp. 47-48

Level: Intermediate

16. Many nonlawyer members of the legal team may not be familiar with what ethical obligations they have and how the ethics rules are to be followed and enforced.

Answer: True

Objective: Define legal ethics in terms of duties owed to the client and the legal system

Page Numbers: pp. 26-27

Level: Intermediate

17. Under the fundamentals of agency law, the principal and the agent have a fiduciary relationship to each other.

Answer: True

Objective: Define legal ethics in terms of duties owed to the client and the legal system

Page Numbers: pp. 26-27

Level: Intermediate

18. Privilege is an ethical obligation. Confidentiality is a rule of evidence.

a. True

b. False

Answer: False

Objective: Explain the difference between the duty of confidentiality and the attorney-client privilege.

Page Numbers: pp. 28-33

Level: Intermediate

19. The work product doctrine does not cover documents prepared in the normal operation of the client's business.

a. True

b. False

Answer: True

Objective: Explain the function of the work product doctrine.

Page Numbers: pp. 34-35

Level: Basic

20. The admissibility of inadvertently disclosed documents may hinge on the steps the firm takes before and after the disclosure.

a. True

b. False

Answer: True

Objective: Explain the potential consequences of inadvertent disclosure of confidential information.

Page Numbers: pp. 35-37

Level: Intermediate

Chapter 2 Fill in the Blank

1. Under the Model Rules of Professional Conduct, the _____ has the obligation to supervise all who work on the case for him or her, including their ethical conduct.

Answer: supervising attorney

Objective: Discuss the ethical obligation of competency in a digital age.

Page Numbers: pp. 39-40

Level: Intermediate

2. While confidentiality is an ethical obligation _____ is a rule of evidence.

Answer: Privilege

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Intermediate

3. The _____ provides a limited protection for material prepared by the attorney, or those working for the attorney, in anticipation of litigation or for trial.

Answer: work product doctrine

Objective: Explain the function of the work product doctrine

Page Numbers: pp. 34-35

Level: Basic

4. The _____ is a doctrine that looks at several factors when faced with an inadvertent disclosure of documents, including: (1) the nature of the methods taken to protect the information; (2) the efforts made to correct the error; (3) the extent of the disclosure; and (4) fairness.

Answer: balancing test

Objective: Explain the potential consequences of an inadvertent disclosure of confidential information

Page Numbers: pp. 35-37

Level: Basic

5. All communication between the client and the lawyer for the purpose of obtaining legal advice is protected by the _____.

Answer: attorney-client privilege

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Intermediate

6. The efficient administration of justice requires lawyers to engage _____ such as legal assistants, accountants, and other experts, to assist in the vigorous representation of the client.

Answer: agents

Objective: Describe the ethical obligation of appropriate hiring, delegating, and supervising owed by managing and supervising attorneys

Page Numbers: pp. 47-48

Level: Intermediate

7. The ethical obligation to keep client information _____ is founded on the belief that clients should be able to tell their attorneys everything about their case so that the attorneys can give proper legal advice to their client.

Answer: confidential

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Basic

8. The basis of the _____ rule is the belief that a person cannot be loyal to two clients.

Answer: conflict of interest

Objective: Discuss the reasons for conflict of interest rules

Page Numbers: pp. 37-38

Level: Basic

9. _____ requires that an attorney not mislead the court or opposing counsel with false statements of law or facts that the lawyer knows to be false.

Answer: Candor

Objective: Explain the rationale for the obligations of candor and fairness in litigation

Page Numbers: pp. 40-47

Level: Difficult

10. The ethical rule of _____ to opposing parties and counsel is an attempt to ensure that justice is done even if one's client loses the case.

Answer: fairness

Objective: Explain the rationale for the obligations of candor and fairness in litigation

Page Numbers: pp. 40-47

Level: Intermediate

11. In a completely _____, the lawyer and client may never actually meet face-to-face; all communication is electronic through the Internet or by telephone.

Answer: virtual law practice

Objective: Describe the ethical issues in a virtual law office

Page Numbers: 48-51

Level: Basic

12. _____ or "e-lawyering" are terms used to describe a law practice that exists online, as opposed to the traditional "storefront" law office.

Answer: virtual law office

Objective: Describe the ethical issues in a virtual law office

Page Numbers: 48-51

Level: Basic

13. _____ codes or rules typically set forth the minimum in ethical behavior—the very least each professional should do.

Answer: Ethics

Objective: Define legal ethics in terms of duties owed to the client and the legal system

Page Numbers: pp. 26-27

Level: Basic

Chapter 2 Matching

1. work product doctrine	a. an obligation to not reveal information, which is based on a relationship of trust placed in one person by another.
2. Balancing test	b. the attorney managing the members of the legal team
3. Competent representation	c. Minimally acceptable standards of conduct in a profession
4. Self-Defense Exception	d. provides a limited protection for material prepared by the attorney, or those working for the attorney, in anticipation of litigation or for trial.
5. The duty of candor	e. a doctrine that looks at several factors when faced with an inadvertent disclosure of documents, including: (1) the nature of the methods taken to protect the information; (2) the efforts made to correct the error; (3) the extent of the disclosure; and (4) fairness.
6. Fairness	f. This doctrine requires that an attorney not mislead the court or opposing counsel with false statements of law or facts that the lawyer knows to be false.
7. virtual law office	g. Lawyers who are accused of wrongdoing by their clients are not bound by the rules of confidentiality and privilege because of an inherent right to due process.
8. Federal Rules of Evidence	h. This ethical rule of conduct is an attempt to ensure that justice is done even if one's client

	loses the case.
9. ethics	i. A person authorized to act on behalf of another
10. confidentiality	j. A law practice that exists online, as opposed to the traditional “storefront” law office.
11. agent	k. Providing the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation of a client.
12. supervising attorney	l. The rules governing the admissibility of evidence in federal court.

1. d
2. e
3. k
4. g
5. f
6. h
7. j
8. l
9. c
10. a
11. i
12. b

Objective: n/a

Page Numbers: n/a

Level: Basic

Chapter 2 Essay

1. Explain whether paralegals are expected to comply with the rules of professional conduct?

Answer: The ethical obligations of the attorney are extended to the paralegal. As an agent of the attorney, the paralegal must act with the same ethical constraints as the attorney, including those obligations relating to confidentiality, competency, and candor and fairness. Additionally, the work product doctrine has been interpreted to extend the duty of confidentiality and privilege to those who assist the attorney in the representation of the client's interests.

Objective: Define legal ethics in terms of duties owed to the client and the legal system; Describe the ethical obligation of appropriate hiring, delegating, and supervising owed by managing and supervising attorneys

Page Numbers: pp. 26-27; 47-48

Level: Intermediate

2. Explain the potential consequences of an inadvertent disclosure of confidential information.

Answer: The treatment of inadvertently disclosed documents will depend on the individual jurisdiction. There are three judicial views on handling the inadvertent disclosure of confidential and privileged information: (1) automatic waiver; (2) no waiver; and (3) balancing test.

Automatic waiver holds that once the confidentiality is breached, the privilege is automatically waived. No waiver holds that the privileged is destroyed only when a client makes a knowing and voluntary waiver of the privilege. Balancing test looks at several factors, including: (1) the nature of the methods taken to protect the information; (2) the efforts made to correct the error; (3) the extent of the disclosure; and (4) fairness.

Objective: Explain the potential consequences of an inadvertent disclosure of confidential information

Page Numbers: pp. 35-37

Level: Intermediate

3. Jim Cassidy was a new paralegal at a small litigation firm. He was unfamiliar with the computer system used to record important deadlines. Jim's supervising attorney, Jack Parsons, over an hour in detail about her case. However, the following week Jane called Jack and told him she had decided to hire a different attorney to handle the matter. Bob Schnagle called Jack to make an appointment to discuss the dispute and possible representation. Can Jack accept the case on behalf of Bob? Explain your reasoning based on the relevant ethical rules.

Answer: When Jane came to discuss the case with Jack, an implied attorney-client relationship was formed, even though she was only a prospective client. She divulged confidential information to Jack for the purpose of retaining him. Because Jack now possesses this confidential information, he cannot represent Bob because a conflict of interest would result.

Objective: Discuss the reasons for conflict of interest rules.

Page Numbers: pp. 37-38

Level: Intermediate

4. Would documents created by the client during the ordinary course of business and transmitted to the attorney be protected under a claim of privilege?

Answer: No. Documents created during the ordinary course of business are generally not protected by either the attorney client privilege or the work product doctrine. Work product refers to documents generated by the legal team in preparation for litigation. The attorney client privilege refers to communications made by the client to the attorney for the purpose of obtaining legal advice.

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege; Explain the function of the work product doctrine

Page Numbers: pp. 28-35

Level: Basic

Chapter 2 Critical Thinking

1. Describe some of the unique ethical challenges that arise from a virtual law office:

Answer: Less face to face conversation, longer work hours, legal staff is expected to work from home in the evenings and weekends, clients are expecting answers to questions more quickly.

Objective:

Objective: Describe the ethical issues in a virtual law office

Page Numbers:

Level: Difficult

2. Why is the attorney-client privilege extended to others working for the attorney?

Answer: The attorney-client privilege is extended to facilitate efficient and effective representation of the client. It would be difficult, if not impossible, for the attorney to perform every task in legal representation.

Objective: Explain the difference between the duty of confidentiality and attorney-client privilege

Page Numbers: pp. 28-33

Level: Difficult