

## 1. Ethical violations of representing Contractor?

### Conflict of Interest

Conflict of interest are situations where attorneys should be wary of taking on the representation of their client for risk of being unable to act in the best interest of their client. They are generally frowned on, through the law will allow attorney to take on cases presenting conflict of interest situations under certain circumstances. One such conflict falls under a conflict between a client and their lawyer. Good start to the rule however you want to state rule more clearly with the elements as outlined in the PR packet: A concurrent conflict of interest exists when: (i) the representation of a client will be directly adverse to another client, or (ii) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, or former client, a third person, or by a personal interest of the lawyer.

Here there is a conflict of interest because Contractor and lawyer had been in a consensual sexual relationship for months prior to beginning their legal relationship. A sexual relationship between a lawyer and their client presents a conflict of interest in lawyer legal representation of Contractor. Thus, there is a conflict of interest. Correct, however you missed some analysis points for this section because you did not outline the rule as stated above.

Under the CA rules, there would also be a Conflict of interest given the analysis stated above. Remember to discuss the CA rule above after your rule statement for ABA. Refer to the PR packet for the CA rules.

Thus, there is a conflict of interest for Lawyer with her representation of Contractor under both eh ABA and CA rules.

Remember, you also want to discuss the exceptions, i.e. clients consents to the conflict.

### Sexual relationship during representation

The ABA Rule states that attorney should not have sexual relationships with their clients. However, an exception to this rule is if the relationships started before the representation began.

The California Rule also state the ABA rule above. Remember CA also recognizes an exception if the client and lawyer are married or registered domestic partners. You want to state the full CA rule for maximum points.

### First Degree Murder

Keep in mind you should start with CL murder whenever you have a murder at issue.

Whether Dan can be found guilty of first degree murder?

First Degree Murder, although defined by statute, most often refers to a murder that is deliberate and premeditated.

You also want to break up **deliberate** and **premeditated** in a separate heading 😊

Deliberate means the defendant made the decision to kill in a cool and dispassionate manner. Premeditated means the defendant actually reflected on the idea of killing, even if only for a brief period. Here, there is no evidence Dan killed Vic in a cool or dispassionate matter. Instead, Dan acted in a state of enragement and exploded in anger. **Good**. The result of Dan's explosive anger was Vic's fractured skull by a blow a Dan had made to Vic's head. Additionally, Dan's actions happened in an instant. Dan had no time to think. Dan simply reacted to Vic's statements that Dan was crazy and should be locked up. Since, Dan actions were the result of a reaction to Vic's statements toward him, it cannot be properly argued that Dan premeditated and actually reflected on the idea of killing Vic. There is more evidence to show that Vic's death was an accident because it occurred after Dan only took one punch to Vic's head, knocking Vic's head to the ground. The act was clearly not premeditated. **Remember, premediated means the Defendant actually reflected on the idea of killing, even if only for a brief period. In this case, D actually shouted he would kill V prior to striking him so it can be argued that D actually considered killing V....** Dan's actions were neither deliberate or premeditated. Therefore, Dan cannot be properly convicted of first degree murder.

Overall, good analysis for the deliberate aspect of this rule.

### Second Degree Murder

Whether Dan can be found of second degree murder?

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