

UNIVERSITY OF MISSOURI-COLUMBIA
SCHOOL OF LAW
FINAL EXAMINATION IN PROFESSIONAL RESPONSIBILITY

Professor James R. Devine
Winter, 2005

Office 573-882-7453
Cell: 573-356-6918

1. This final examination consists of a total of ___ numbered pages, including this one. Please make sure you have all pages.

2. In addition to this examination, you will need a Multiple Choice Answer Sheet for the Multiple Choice Questions which follow the Essay Questions. Make sure you have a copy of this answer sheet;

3. Your Essay Question Answers must be typewritten. You **MUST** use the following format:

Page 1 will be a title page that will contain your EXAM Number from the preceding page. (Not your Name and Not your Student Number), the course title, and my name.

Page 2 will begin your answer to Essay Question 1 and will contain the notation "**Answer to Essay Question 1**". **Your answers must have margins of one (1) inch or more on the top, bottom, left and right of each page.** All of your answers must be **double spaced in at least 14 point type.** The exam, for example is written in 12 point Century Schoolbook. I expect your answers will contain type larger than the type on the exam. In addition you may use **ONLY Times Roman or Century or Century Schoolbook** type fonts.

Repeat this process for the 2nd Essay Question

4. In writing your answer to Essay Question 1, you should be aware of the following guidelines I will use for grading. I have no preconceived answer to the first essay question. I will give you credit for every relevant responsive thought you provide to the question asked in the space allotted. Because you will score more points for more relevant thoughts, you should use all of the pages permitted for each answer.

In writing your answer to Essay Question 2, you should be aware that I do have a preconceived answer in mind. I will give you credit both for the right answer and for your description of why you reached your answer.

5. **Permitted Abbreviations:** In your Essay Answers, you may use

ONLY the abbreviations which follow this statement. Use of **ANY abbreviations not approved here will result in a 10 point deduction from your final grade on this exam.** The following abbreviations are approved:

“R” for Rule or Rule of Professional Conduct or Model Rule.

“Cl” for Client

“L” for Lawyer

“Conflict” for conflict of interest

“Ct” for court

“Conf” for confidence, confidential, or confidential information

“&” for and

All post office-recognized state abbreviations, such as “MO” or “NJ”

6. As previously noted, **you will be given a SEPARATE Answer sheet for the Multiple Choice Questions.** Answer each multiple choice question on the answer sheet provided. There is only one answer to each question. Be sure to mark only one answer and be sure to mark that answer clearly. Answers contained on the test will not be read.

7. Both the essay and multiple choice portions of this examination are Open Book examinations: You may use any material **either prepared by you during the course of the semester for the course in Professional Responsibility or made available to you during the course of the semester by Professor Devine.** You may also use both the casebook and supplemental books assigned to this course. You **MAY NOT** use any other material whatsoever, including but not limited to WESTLAW or LEXIS. You must work alone and are not authorized to receive assistance from any other person except Professor Devine; You are aware that the Law School operates under an Honor Code. By turning in an answer you expressly agree that you are bound by the provisions of the honor code, as well as all of these instructions.

8. Your Essay and Multiple Choice answers can be prepared by you at your leisure, however, you may not pick up this packet of material until 8:30 a.m. on Friday, May 6, 2005. If you are holding any of these pages and it is before that time, you are likely in violation of the rules of this examination.

All Essay and Multiple Choice answers **are due not later than 4:30 p.m. on Friday, May 6, 2005. Papers turned in after 4:30 on May 6 and before 5:00 p.m. on May 6, 2005 will receive a 20 point reduction in grade. Papers turned in after 5:00 p.m. on Friday, May 6, 2005 will not be read and will receive a grade of 55.**

9. During the time this exercise is being completed, I should be around the law school. You can call my office at 573-882-7453. If you cannot reach me, you can always try me on my cell phone at 573-356-6918. If I do not answer, please leave as

detailed a message as possible and a number where I can reach you. I will call you back.

10. Your answer to Essay Question #1 counts for 35% of your grade on this examination; your answer to Essay Question #2 counts for 30% of your grade on this examination, and your answer to the multiple choice questions counts for 35% of your grade on this examination.

The Essay Question begins below. Good Luck.

Essay Question 1

On this Question, you have a limit of 40 lines with margins on all sides of One Inch or more and Type no smaller than 14 point *Times Roman*, *Times New Roman*, *Century* or *Century Schoolbook* type fonts. Your answer to this Essay counts for 35% of your grade in this course.

Essay Question #1: Discuss any ethics issues that arise under these facts.

Please Remember the Following:

1. On this Question, you have a limit of 40 lines with margins on all sides of One Inch or more and Type no smaller than 14 point *Times Roman*, *Century* or *Century Schoolbook* type fonts.

2. Your score will be based on the number of issues you spot, your recognition of the applicable rule(s), your relation of the facts to those rules, and your conclusion (IRAC). It is doubtful that you can discuss every issue presented in the pages you are permitted to write, so do not be concerned if you do not write on all issues.

This concludes Essay Question #1. Essay Question #2 begins below.

Essay Question 2

The Following 6 Questions are All True/False with an Explanation. Begin each answer with

your response to the Question “Is the Questioned Statement True or False?” Then follow that answer with not more than 2 Sentences, BUT IN NO CASE MORE THAN 6 LINES of explanation. Do Not use IRAC in answering these questions.

Remember, you must have double-spaced type no smaller than 14 point with margins of at least 1 inch per side. You must use Times Roman, Times New Roman, Century or Century Schoolbook type font.)

Your answer to this Essay Question counts as 30% of your grade in this course

NOTE: In these questions, unless you are specifically directed to do so by a question, you are to assume that each of these sets of facts takes place in a jurisdiction using the current ABA version of the Rules of Professional Conduct.

This Concludes the Essay Portion–The Multiple Choice Begins Below.

Multiple Choice Instructions

1. There are 20 Multiple Choice Questions. You will answer each of them. Read each multiple-choice question carefully. Any answers you make on this test WILL NOT BE READ. Do NOT explain your answers. Any such explanations will not be read. **Your score on the Multiple Choice portion counts for 35% of your score on this exam.**

2. Each multiple-choice question is followed by five suggested answers. You should choose the best of the stated alternatives, that is, the most correct or the most complete answer. Each question has only one correct answer. The best answer may be a choice which states that two or more answers are correct or that no answers are correct. Please give only one answer to each question; multiple answers will be wrong. Your score will be based on the number of questions you answer correctly. A blank answer is a wrong answer, so do not leave an answer blank because you think an unstated alternative would provide a better answer. Unless you are specifically told otherwise, each answer stands alone and, to be correct, must be the correct or best answer standing alone, not when read in conjunction with some other answer(s) or with the addition, modification or elimination of certain facts.

3. Some multiple-choice questions ask you to assume answers to previous questions. These assumptions govern the question in which they appear and are not necessarily based on the correct answers to the previous questions. Your answer to a question should not depend on a stated assumption in a later question.

4. Unless you are specifically directed to do so by a question, you are to assume that each of these sets of facts takes place in a jurisdiction using the current ABA version of the Rules of Professional Conduct.

Multiple Choice Questions begin below.