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# DO THE RIGHT THING: ETHICS

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- ✘ You work as in-house counsel at a non-profit corporation advising the Board of Directors, President, and other managers regarding various legal issues.
    - + One of the managers comes to you and expresses concern regarding certain activities of another manager.
    - + One of the employees in the company's IT department comes and asks you for legal advice about an idea for a development outside of the scope of his duties as an employee.

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- × Rule 1.2 (Scope of representation)
  - × Rule 1.4 (Communication)
  - × Rule 1.6 (Confidentiality of information)
  - × Rule 1.7 (Conflict of interest)

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- ✘ You receive an email for which you are not the intended recipient. What do you do?
    - + What if the email outlines strategic thinking for an adversary that would benefit your employer to know?
    - + What if the email is from an employee of your company and the writer threatens the employee's manager?

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- × Rule 3.4 (Fairness to Opposing Party or Counsel)
  - × ABA Formal Opinion 05-437

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- ✘ You are representing a manufacturer of various products that are utilized in automobiles. A plaintiff's attorney writes alleging is that your client has provided GM with products containing materials that are unsafe. You conclude not only that your client has manufactured parts in use in cars that are on the market, but also that there is a considerable chance that these defects would cause cancer to individuals who are exposed to them in the manufacture of the automobiles. When you propose that your client ask GM to issue a recall, your client refuses. What steps should/may you take in response to what you have learned?

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- × Rule 1.2(d) (Scope of representation)
  - × Rule 1.6 (Confidentiality of information)
  
  - × Structure for conversation with client
  - × Exceptions

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- ✘ You learn that a former employee is contemplating legal action against your employer. You also learn that the former employee's lawyer is contacting former employees and current employees to gather information. The current employees include both managers and line employees. What do you communicate to the lawyer? Can you tell him that all of the people he is contacting are represented?



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× Rule 4.2

+ Comment 4A

× Rules 3.1 and 3.4

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- ✘ You hear a rumor from a colleague in another organization that causes you to suspect that one of your employees has disclosed information that is a client confidence. You investigate and learn that the information could have come from one of several of the support staff via email or a social network. What steps should you take to mitigate the current situation? What should you do to address any future possible missteps?

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- × Rule 1.6 (Confidentiality of information)
  - × Rule 5.1 (Responsibilities of Partner, Managers, and Supervisory Lawyers)
  - × Rule 5.3 (Responsibilities regarding Nonlawyer Assistants)

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- ✘ You learn that a colleague has a serious alcohol dependence issue although he is currently functioning at a high level. What responsibilities do you have? What if the colleague is a superior?

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- × Rule 5.1 (Responsibilities of Partner, Managers, and Supervisory Lawyers)
  - × Rule 8.3 (Reporting Professional Misconduct)

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- ✘ What limitations, if any, are there for a lawyer licensed in Ohio when she becomes in-house counsel for an organization in Florida?

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- × Rule 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law)

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- ✘ What is your responsibility to a client who calls or emails too much?



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## × Rule 1.4 (Communication)