

**LEGAL ETHICS &
PROFESSIONAL CONDUCT
MODEL EXAM**



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IRAC method of completing exams

- Issues** - Outline the issues that you are going to discuss.
- Rules** - Define the legal rules that are relevant to the question.
- Application** - Apply the legal rules to the facts of the question (this is the hard part!).
- Conclusion** - Tie things up, usually in the form of an advice to your hypothetical client.

Always use your reading time wisely to **PLAN YOUR ANSWER** before writing. This is of utmost importance as it will help you clarify your thoughts and ensure that you avoid following desperate exam strategies that unprepared students commonly resort to, such as:

- i) 'the kitchen sink' i.e. spilling all of your knowledge that is vaguely related to the topic onto the exam paper and hoping for the best.
- ii) 'the garden path' i.e. going off on an irrelevant tangent

Remember that the **APPLICATION IS THE MOST IMPORTANT SECTION** of your answer and should take up the bulk of your time. The actual conclusions you reach are often superfluous. Rather, your marker will be most interested in *how you arrived* at your conclusion.

If you are sitting an open book exam, be sure to have concise notes with only the main points for each topic. Too much time will be wasted searching through thick textbooks.

Try to answer the question yourself first before looking at the answer. Do not worry if you do not come up with the same amount of text as is in the answer below. The student who wrote this answer had a considerable amount of time in which to write.

Good luck!

Question One

You are a lawyer in a suburban practice. A long established client, Sam comes to see you. Sam explains to you that his ex-wife, Wendy has been falsely accusing him of subjecting her to physical and emotional abuse. Sam and Wendy live in the same neighbourhood and still have several friends in common. Wendy has been making such accusations verbally to her friends and members of the neighbourhood, as well as written accusations in the form of letters to the local press. Sam intends to sue Wendy for defamation and wants you to represent him. Seven years ago, when Sam and Wendy were still married, you worked for both of them in a business transaction. Although you were working in a different firm at the time, you got to know both Sam and Wendy quite well. You learned that Wendy is quite a nervous anxious person who, if sued, might settle a case early.....

Question Two

Bob seeks legal advice. He sees a lawyer that only has one year experience. Bob tells the lawyer that he wishes to sue a large bank for unconscionable conduct and for misleading and deceptive conduct. After listening to Bob, his lawyer forms the opinion that Bob has an extremely weak case. Bob's allegations have no basis and his wish to sue the bank stems only from irrationality and anger. The lawyer believes that Bob is very likely to lose the case and will be ordered to pay the defendant's costs. Nonetheless, the young lawyer is trying to build his clientele base so he decides to represent Bob.....

Question Three

Briefly explain the concepts of 'trust money', 'controlled money' and transit money'.....

Question Four

You are a lawyer. You acted for a client, Lauren in a business transaction. Lauren is unhappy with your work and believes you have not followed her instructions. Lauren does not wish to pay the legal costs you are claiming and threatens to inform the authorities that:

- (a) there is no written retainer between you and Lauren;
- (b) you borrowed \$4000 from Lauren to pay for a new laptop; and
- (c) you and Lauren had a sexual relationship.....

Question Five

Do you agree with the barristers' immunity from negligence.....

Question Six

The rules and exceptions relating to legal professional privilege aim to strike a balance between competing public interests..... Discuss.

Question Seven

Why are lawyers prohibited from acting against former clients.....

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