Polling Questions
As of 5/21/2015

Slide 8:
If Perkins asks you to keep this information confidential from the other jointly represented clients, must you honor this request?

A. Yes
B. Yes, but only if you obtained consent from the jointly represented clients at the outset of the representation that confidences relating to the representation will not be shared among them
C. No, but only if you obtained agreement from the jointly represented clients at the outset of the representation that confidences relating to the representation will be shared among them
D. No

Slide 11:
In the original engagement letters, the individual clients acknowledged that "in the event a conflict of interest develops among the jointly represented clients, you may continue to represent the company, any conflicts of interest associated with continuing to represent the company are waived, and we will not seek to disqualify you from the continued representation of the company." Will the court enforce this agreement?

A. Yes
B. No

Slide 19:
In the actual legal malpractice case, the law firm argued unsuccessfully that it didn't represent BB or either of the Bennett Brothers. What step(s) might the firm have taken to prevail on this argument?

A. Decide at the outset not to represent them in the deal
B. Send a letter to them at the outset clarifying who the firm was representing, affirmatively stating that the firm was not representing them, and recommending that they obtain their own lawyers for the deal
C. Avoid assisting, advising, or counseling them during the course of the deal
D. All of the above
Slide 21:
Is this consent to "potential" conflicts of interest effective under MR 1.7?
A. Of course
B. Are you kidding?
C. Yes, but only as to MR 1.7(a)(2) “consentable” material limitation conflicts existing at the time the consent is obtained from the client

Slide 24:
Can you represent Peter and Sandy in papering this deal?
A. Yes
B. No
C. It depends

Slide 26:
May the lawyers proceed with both of these representations?
A. Yes, there is no conflict of interest
B. Yes, with disclosure and written consent to the conflict of interest
C. No