

Professional Conduct

Wednesday 5 November 2025

2.30pm to 4.00pm

Two questions only to be attempted. Where a question is in more than one section, you are expected to answer ALL sections of the question. You are expected to cite authority for your answers.

Question 1

Jake is a young litigator in a large city law firm. He hopes to be the youngest person in the firm's history to make partner. To impress management Jake starts double counting time in his timesheets. Jake does this by doing other work during court hearings and meetings where he is not personally handling the litigation or conducting the hearing and then charging both clients for his time.

To try and get more clients in the door Jake starts expanding his social media profile by inflating his profile online claiming he is an 'expert' in areas of law which go beyond his usual type of work. Encouraged by his social media profile more clients contact Jake for help who, in turn, uses AI to deal with the day to day work and to answer client queries. Jake initially asks other colleagues in his firm to proof read the work produced by AI but, as time goes on, and to manage his workloads Jake dispenses with these checks and relies entirely on AI for any cases which deal with issues where Jake has little experience and, eventually, for all his work. To bolster his social media profile Jake asks friends to pretend they are clients for the purposes of acting as referees in legal ranking publications and for providing quotes regarding the quality of Jake's work. Jake provides these friends with suggested quotes and these uses these quotes on his online profile and for publications.

Jake's supervising partner is sceptical about Jake's work - the figures produced by Jake seem almost impossible is not clear how Jake is managing to handle so much work however, given the level of fees Jake is producing, his supervising partner is willing to ignore this and let Jake continue with his work without question or support (which Jake says he does not need).

Ultimately Jake's workload becomes unmanageable and he is forced to stop updating clients on his smaller cases. One client, Abby, emails Jake to ask about her personal injury action. Jake tells Abby that he has been waiting to hear back from the other side but despite chasing them, there has been no response. Jake promises to chase them again later that week. In truth, Jake had never contacted the other side. Jake tells himself that he will try to call the other side that week when he gets a chance.

The stress starts to get to Jake and he finds himself drinking most nights and at one point gets so drunk that he passes out in a pub and is taken to hospital for treatment. Jake's stress has also led to panic attacks and wild mood swings. Jake's doctor recommend that he takes time off however Jake decides to work from home for fear that any time off would impact his career prospects.

When Jake gets back to the office he has several missed calls and voicemails from Abby asking what was happening with her case. Jake reviews the file and notices that it needed to be raised in court the previous week and Abby's case is now timebarred. In a panic Jake tells Abby that he managed to get an offer from the other side at exactly the level of settlement that Abby had told Jake she was prepared to settle at. Delighted with this news, Abby accepts the offer and Jake arranges to pay Abby directly from his own personal bank account. Abby is pleased with this result as it was exactly what she wanted and Jake now has one less case to deal with.

Consider the professional ethical implications arising from the scenario above and what mitigating factors (if any) might be taken into consideration if the matter were referred to the regulator.

Question 2

Emily is an employment lawyer working in small practice with one other solicitor, Susan who is the sole partner and owner of the firm.

Emily is inexperienced and relies on Susan for guidance. For the last few months Emily and Susan have been working almost exclusively on big case for their client Amy. Amy is responsible for paying the disbursements as they fall due but Susan's fees will be paid only if Amy is successful. In addition, and in recognition of the complexities of this case, Susan's fees will increase by 50% if she secures a settlement for Amy above £1m.

Amy's case hinges on an expert report prepared by an expert who is also a good friend of Susan. Susan and the expert have an arrangement whereby the expert will pay Susan a small commission for every new instruction they receive. As a result Susan recommends this expert to all her clients but does not tell them about the commission arrangement.

As part of the case Emily takes a witness statement from Amy about the facts of the case. This statement will be lodged in court and will replace Amy's oral evidence in the case. Emily notes down exactly what Amy tells her and then types up the witness statement. When Emily sends the statement to Susan, it becomes apparent that the statement is not helpful and will undermine Amy's case. Susan tells Emily to make some 'amendments' to the statement to 'clarify' certain key parts. Susan gives Emily the key phrases and words which need to appear in Amy's statement so that her case will succeed (albeit these were not the words Amy said when Emily originally spoke to her). Susan tells Amy that these changes are needed to help her case and Amy is happy to change her statement if that is what Susan and Emily advise her to do.

As a result of Amy's case, Susan has not had time to focus on other smaller matters. She tells Emily to quickly settle the other matters so that more time can be spent on Amy's case. In addition, the costs for Amy's case continue to mount. Amy does not have the funds available to meet all the expert fees as they fall due but will be able to pay them once she has settled her case. To avoid upsetting her friend, Susan uses other client funds to make up the shortfall whilst waiting on Amy to clear the outstanding fees. A couple of months later Amy's case resolves and Susan uses some of the money to replenish the other client funds so there is no loss to them.

Emily is worried about Susan's behaviour and instructions but reassures herself that she is simply doing as she is told.

Advise Emily and Susan of the ethical implications of their behaviour in this case.

Question 3

Kerry is a criminal solicitor working as a sole practitioner in a high street office. Alan is one her close friends who she has known for years. Over dinner and drinks Alan tells Kerry about a legal problem he has been having regarding a suspected hit and run matter. Alan explains that he has been asked to attend a police interview and is not sure what to do. Alan says that he had been driving but had misjudged a turning and mounted a pavement but does not think he hit anyone and so just drove home. Alan asks about what sort of penalty he might expect if he pled guilty. Kerry explains that it would be better to discuss this in her office and that she would be happy to set up an appointment. Alan tells Kerry to forget it as he just wanted some general advice and that the whole thing is ridiculous as he had only had a couple of drinks that night and it was hours before he drove. The following week a police officer turns up at Kerry's office and asks to speak to her about a reported hit and run that occurred a few weeks ago outside her office. From the description given to Kerry by the police it sounds like the incident that Alan was talking to her about over dinner but Kerry cannot be sure and the police will not confirm the details of anyone involved. The police ask Kerry whether has any information or CCTV footage showing the road outside. Kerry has CCTV footage which shows the road outside her office and it covers the time in question but she has not had time to check it (nor did she think it had anything to do with Alan until the police turned up at her office).

- a) What should Kerry do/say to the police? Should she give the police the CCTV footage?

Alan is later indicted by the Crown for causing death by dangerous driving and driving under the influence of alcohol. Alan asks that Kerry defend him. Alan says that he was not drinking and he wants to enter a special defence of alibi claiming that he was not driving that night and was at home at his girlfriend's house.

- b) What should Kerry do and what ethical issues should she consider in these circumstances?

Alan is later convicted for causing death by dangerous driving. Alan indicates that Kerry's handling of the case was the reason for his conviction and that had Kerry done her job properly he would have been acquitted or that Kerry should have advised him to take a plea deal to lesser charge of causing death by careless driving. The sentencing hearing is in a couple of days time and Alan does not have time to switch solicitors. Although he holds Kerry responsible for the conviction he insists that Kerry represent him at the sentencing hearing and they can deal with the conviction point later.

- c) What should Kerry do?

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