

I. Tom Defense attorney is in intense negotiations with John claimant attorney re settlement of a workers' compensation case. Tom offers \$50,000 but tells John, "This is all I have, you have to work out the attorney fees with you client!"

John replies that he cannot accept it as it is not in accord with AS 23.30.145. Tom refuses to change the offer.

1) Is this a valid offer.

2) What ethical considerations is John under is telling his client the offer.

II. John represents Sam Claimant He filed an affidavit of readiness to proceed. The hearing date was set at a pre hearing conference.

A. Two weeks before the hearing,. John realizes there is no case for his client. He tells his client that there is no case. Client disagrees and want to continue on with hearing. John files a notice of withdrawal.

B. Same as above except that John does not file a notice of withdrawal until the day of the hearing.

III.

Claimant is given a ppi rating for his injured back by a doctor. He is unhappy and complains to his attorney that the rating is not sufficient due to his pain and suffering and loss of his ability to work.. Claimant's attorney meets with the doctor and points out in the AMA Guidelines 6th ed how the rating could be increased due to the claimant's conditions. The doctor agrees and changes his rating.

Defense attorney makes an appointment with the same doctor. He shows the doctor where the rating could be reduced due to a pre existing condition. The doctor agrees and changes the rating.

AS 23.30.095 (I)

interference by a person with the selection by an injured employee of an authorized physician to treat the employee or the improper influencing or attempt by a person to influence a medical opinion of a physician who has treated or examined an injured employee, is a misdemeanor.

Any ethical questions regarding the conduct of the attorneys?

IV. The Misdirected E-Mail

Claimant's atty receives an e-mail from opposing counsel, Defense atty, obviously sent in error and intended for defense atty's client. The email contains discussions of strategy regarding the case including dollar amounts.

What is claimant atty's obligation here ?

Options

1. Contact defense atty to tell him that he received the e-mail ,
2. Abided by defense atty wishes as to how to dispose of the confidential material,
3. Print , document and use information for his clients' advantage,
4. Tell defense atty he will delete (but print & copy anyway)

Rule 4.4 Respect for Right of Third Persons

(B) A lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably show know that the document was inadvertently sent shall properly notify the sender.

V. John has his own business. He is a sole proprietor . He at the suggestion of his insurance agent opted to be insured for workers' compensation. While performing his job he is injured. John files a report of injury .

A. The carrier sends John for an IME. The carrier then hires Tom to defend the case.. . John demands that carrier pay for his injury as it is his policy and he was injured. . John then retains Sam to represent him in his claim for benefits.

- 1) What are the obligations toward John as the employer, as the employee.
- 2) Should John recommend that Chi counsel be hired.

3) What are the obligations to John from Sam .

B. What if the injured employee was John's son. John demands that the carrier pay the bills for his son's injury.

What would be Tom's obligation to John?

