



Facilitator's Guide Business Law Case Study

The Sole Proprietor

Opening Paragraph

On February 23, 2014, John Ross, senior partner of the law firm, Ross & Simmons LLP in Regina, Saskatchewan, picked up a phone message from Vincent Serrano, auditor for his client, Williams Furniture Inc. Vincent told John that the company's sole owner and director, 74-year old Doris Williams, had a mental breakdown at the office and had been admitted to hospital. With three large transactions requiring Doris' approval due to close at the end of the week, John wondered what he was going to do.

Objectives

1. This case is intended for a study group discussion session on professional responsibility in Business Law.
2. Participants will be expected to put themselves in the position of the lawyer in the case and to identify and analyze the legal, professional and personal challenges he faces.
3. Participants will also be expected to develop alternatives and an action plan for resolving the issues in accordance with the lawyer's professional obligations under the *Code of Professional Conduct*.

References

- When Client is an Organization, subrule 2.02(3)
- Client with Diminished Capacity, subrule 2.02(9)
- Confidential Information, subrule 2.03(1)
- Future Harm/Public Safety Exception, subrule 2.03(3)
- Duty to Avoid Conflicts of Interest, subrule 2.04(1)

Suggested Discussion Questions

Assume you are the lawyer in this case, and answer the following questions with reference to the *Code of Professional Conduct*:

1. What are your duties to the individual client in this case?
2. What are your duties to the corporate client in this case?
3. Are you in a conflict, and if so, what type of conflict?
4. What steps should you take to ensure that your clients' interests are protected?
5. What could you have done to prevent this situation from arising?