

Eric E. Johnson
Associate Professor of Law

ETHICS/PROFESSIONALISM ASSIGNMENT

Mass Media on the Mass Turnpike

Paul Pindsen is a retired house painter from Stoneham, Mass. He lives modestly on Social Security and a nest egg of \$35,000.

Paul regularly drives across the state to visit his grandchildren. One day last year, while driving on the Massachusetts Turnpike at 63 miles per hour in 65-mile-per-hour zone, Paul was struck from behind by a Continental Cargo tractor-trailer rig driven by Danielle Drinavasen. The rig was traveling at 80 miles per hour. Paul was badly injured, and the accident left him with \$75,000 in unpaid medical expenses.

Danielle, as it turns out, was reading a book while driving. In-cab footage captured by a monitoring camera installed by Continental Cargo's Safety Assurance Department showed that Danielle had *Walden* by Henry David Thoreau open on the steering wheel.

Through a mutual business acquaintance, Paul was introduced to attorney Ally Aldrich. A personal injury attorney with a long record of success, Ally told Paul that she would be a particularly good choice to represent him because she previously defended Continental Cargo and Danielle in a similar matter. (Although in that case Danielle was reading *A Civil Action* by Jonathon Harr.) From her work for those clients, Ally explained, she came to know a great deal of confidential information that would be helpful in pursuing Paul's suit.

Paul agreed to the representation, and the case went to trial this month. In fact, just today Ally wrapped up her closing argument by asking the jury for an award of \$30 million. With the jury out for deliberations, the attorney for Continental Cargo offered to settle the case for \$5 million. Since Ally is hoping for more, she rejected the offer out of hand. She decided against bringing the offer to Paul, because she is afraid he will be tempted to take it.



FIG. 1: It's reading time on the Mass Turnpike.

NAME: _____

Use the Massachusetts Rules of Professional Conduct to answer the following.

QUESTIONS:

1 (a). Has Ally violated Rule 1.4 of the Massachusetts Rules of Professional Conduct?

1 (b). Why or why not?

2 (a). Has any of Ally's conduct constituted a prohibited conflict of interest under the Massachusetts Rules of Professional Conduct?

2 (b). Why or why not?

