**Ethical Dilemmas in Family Practice**

**Part 1: Pre-reading**

The following scenarios cover many of the issues we will cover in Part 2 of the course in the Specialist Family Session. As part of your preparation for Part 2 of the course, you need to read through these scenarios and consider:

* What ethical issues do each of the scenarios raise?
* What are the possible options open to you?
* What are the Core Duties that arise in each scenario?

**(1) Disclosure**

In a divorce, you represent the husband in responding to his wife’s application for a financial order. During the conference prior to the First Directions Appointment he tells you that he is going to leave his current post as Chief Executive to a public body in a few months. He does not want to tell his wife. A major negligence claim against the public body is coming to trial. If it becomes known that he is leaving, the media will see it as an implicit acceptance that the organisation was at fault.

* What do you do?

You are reading papers in preparation for a Final Disclosure Resolution Hearing. The papers recount how your client has set up a company importing products cheaply from Europe and has made a profit selling them in the UK. While you are reading the papers, the National Criminal Intelligence Service (NCIS) informs you that they are starting an investigation into the activities of your client and this company.

* What do you do?

**(2) Reporting**

You represent a husband in divorce proceedings. After an FDR that doesn’t settle, you return to chambers and find that amongst the papers you picked up at the FDR is a letter to your client’s wife from a mortgage provider. It advises the wife that she can borrow substantially more than she has claimed. Your opponent calls and asks if you have the letter. When you tell your opponent that you have the letter, your opponent says s/he is going to report you to the BSB.

* What do you do?

**(3) Gifts**

Your client comes to a conference with the instructing solicitor the day before a trial. At the end of the conference your client offers you a bottle of wine in appreciation of all you have done for him.

* What do you do?

**(4) Instructions**

You are instructed to represent a father in care proceedings. When you read the papers the day before the Issues Resolution Hearing, you discover that a key figure in the case is someone in the local authority that you have had many dealings with, you get on well with and have socialised with in the past. You client claims this person lied to him and misled him about the local authority’s intentions of removing his children from his care.

* What do you do?

**(5) Witnesses**

Your instructing solicitor tells you that one of the main witnesses supporting your client is a nervous person who is anxious about giving evidence. You agree to meet with her. When she arrives in chambers you discover that no proof of evidence has been taken, and the solicitor has sent a secretary with her because the solicitor was busy.

* What do you do?

You represent a father in care proceedings. The first respondent is his wife, and the proposed care order for the children is a placement at home with the wife. Your client tells you that his wife shoplifts with the children, picks up men at the local pub and leaves the children at home with an underage babysitter. You client wants you to give her a hard time in cross-examination.

* What do you do?