

## **Ethics in Practice CLE Presentation (July 14, 2016) – Hypotheticals**

1. A City Councilperson calls an ACS in Child Welfare to ask about the details of a dependence case the ACS is handling for DHS and how the Social Worker has been handling the case. How should the ACS proceed and what can they disclose?
2. The City Council has asked that they be informed about any matters related to alleged discrimination against transgendered City employees. A discrimination claim is threatened by a transgendered employee alleging they were fired from the Police Department after they complained about being told to use the restroom that matched the gender they were assigned at birth. How should the Law Department proceed?
3. The Mayor's Office asks for a legal opinion on whether the Charter can be amended to abolish the Sheriff's Office as an independent row office and bring its functions within the Police Department. The Mayor seeks to share his opinion with the Sheriff, who opposes such an amendment. How would sharing the Law Department's advice affect the privilege?
4. The Mayor's Office receives a Right to Know request for the foregoing legal opinion. The Mayor's Office asks for the Law Department to determine if the record is privileged, and therefore exempt from public disclosure. The Law Department requires additional time beyond the statutory period to respond, and the Open Records Officer for the Mayor's Office reaches out to the requester for an extension but it is not granted. Concerned about compliance with the RTKL, the Open Records Officer for the Mayor's Office sends out the legal opinion without authorization from the Mayor. Has the privilege been waived and what steps should be taken?
5. A law department attorney has received a request from the Mayor for legal advice on whether proposed City legislation which would require the Department of Parks and Recreation to plant trees on any City block that does not currently have a tree is lawful. The Councilperson introducing the legislation has asked for the same advice. How do you advise your clients?
6. City Council passes an ordinance requiring Parks to plant trees as outlined above over the Mayor's veto. The Mayor directs Parks not to comply with the ordinance. City Council asks the Law Department to represent it in an action for a writ of mandamus to require compliance with the ordinance. What information can the Law Department share with its clients?