

## **AHLA GROUP EXERCISE ON ETHICS AND DISCLOSURES**

1. While reviewing the list of attorneys, parties and witnesses, you note that the daughter of the lead counsel for the Plaintiff was a babysitter for your two-year-old twins on several occasions. Should you disclose this information?
2. While performing a conflicts check at your law firm, you discover that 10 years ago, your law firm formerly represented the defendant in several unrelated lawsuits to this arbitration. Should you disclose this information?
3. In a multi-party health care arbitration, you note that an attorney representing one of the parties in the arbitration works in the same office building as your law firm's office. You have no professional or social relationship with this attorney other than to say hello in the lobby. You do not ride the same elevator as each of the law firms are on different floors and require a separate set of elevator banks. Should you disclose this information?
4. While reviewing the list of attorneys and law firms in the arbitration, you note that you served on a panel of arbitrators along with the senior partner of the law firm representing the Defendant in this arbitration. The senior partner is not involved in this arbitration as an attorney or as a witness. Should you disclose this information?
5. While reviewing the witness list, you formerly retained one of the expert witnesses in the arbitration in an unrelated matter. Should you disclose this information?
6. During a break in the arbitration proceeding, a witness who was under oath on cross-examination approached you. The witness approaches you outside of the arbitration room and asks you questions about the arbitration proceedings. Should this information be disclosed?
7. Does an arbitrator have an obligation to disclose that he/she entered or joined in entering -- or dissented from -- an award in favor of a party to such an arbitration (i.e., one involving different parties but similar claims)? Assuming there is such an obligation, given the confidentiality of most arbitration awards/proceedings (the Canons' confidentiality strictures and the fact that AAA awards are generally not available to the public; FINRA awards, however, are available), what is the arbitrator permitted to disclose?
8. In checking your law firm's computerized conflicts system, you are only provided a report with active matters, is that sufficient?
9. Prior to accepting the appointment, you learn that your law firm had provided a health system client with advice regarding a contract they had in place with one of the parties. You disclose this but the parties have requested more details on the representation. What should you do?