

Middle Temple Presents:

ALICE IN WONDERLAND



Exploring the ethical & legal pitfalls of representing clients in the (medical) marijuana industry.

Article X, Section 29, Florida Constitution

(b)(5) "Medical Marijuana Treatment Center" (MMTC) means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or education material to qualifying patients or their caregivers and is registered by the Department.

Section 381.986, F.S.

Implements the constitutional authority and provides detailed requirements for participating in the medical marijuana industry; and, Subsection (a) provides:

A medical marijuana treatment center may not make a wholesale purchase of marijuana from or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.

Florida Rules of Professional Responsibility

4-1.1 – Competence

A lawyer must provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

4-1.2(b) – No Endorsement of Clients View or Activities

A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social, or moral views or activities.

4-1.2(d) – Criminal/fraudulent conduct

A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows or reasonably should know is criminal or fraudulent. However, a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law.



4-1.5 – Fees for Legal Services

A lawyer must not enter into an agreement for, charge, or collect an illegal, prohibited, or clearly excessive fee or cost, or a fee generated by employment that was obtained through advertising or solicitation not in compliance with the Rules Regulating The Florida Bar. A fee or cost is clearly excessive when: (1) after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee or the cost exceeds a reasonable fee or cost for services provided to such a degree as to constitute clear overreaching or an unconscionable demand by the attorney; or (2) the fee or cost is sought or secured by the attorney by means of intentional misrepresentation or fraud upon the client, a nonclient party, or any court, as to either entitlement to, or amount of, the fee.

Rule 4-8.4 Misconduct

A lawyer shall not: ...

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule; (c) – conduct involving dishonesty, fraud, deceit or

4-1.7 – Conflicts of Interest

Current Clients

(a) **Representing Adverse Interests.** Except as provided in subdivision (b), a lawyer must not represent a client if:

(1) the representation of 1 client will be directly adverse to another client; or

(2) there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) **Informed Consent.** Notwithstanding the existence of a conflict of interest under subdivision (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing or clearly stated on the record at a hearing.

(c) **Explanation to Clients.** When representation of multiple clients in a single matter is undertaken, the consultation must include an explanation of the implications of the common representation and the advantages and risks involved.

Cast and Crew:

Alice
White Rabbit
Queen o Hemp
Narrator
Caterpillar
Cheshire Cat
Mad Hatter
March Hare
Dormouse
Tweedle Dee
Tweedle Dum
Queen's Minions

Executive Director
Ass. Ex. Director
Power Point
Video Prod.
Program Design
Director of Props
Script Writer #1
Script Writer #2
Script Writer #3
Script Writer #4
Researchers

Ann Breeden
Stephanie Tew
Adriana Lopez
Judge Collins
Manuel Comras
Dominique Torisello
Juan Pyfrom
Sorraya Solanges Jones
Robert Glass
Richard Nelson
Lisa Kohring
Cheryl Kempf, Kim
Rothenburg

Lisa Kohring
Judge Collins
Dominque Torsiello
Michael Gort
Kim Rothenberg
Robert Glass
Rachel Evert
Lillian Sharpe
Bradley Beall
Stephanie Tew
Cassandra Jelinic &
Cheryl Kempf



THE
END