

## **DISCUSSION QUESTIONS**

### **SCENE ONE**

1. Should or must the referring attorney consider immigration matters in making the referral?
2. To what extent does the referring attorney have an ethical obligation to understand the facts before making a referral?
3. Does the referring attorney have a duty to ensure that he or she is referring the case to an attorney who is competent to handle it?

### **SCENE TWO**

4. Does Professor Birch owe any ethical obligation to Jo Barrel or her client?

### **SCENE THREE**

5. To what extent are Bloch and Barrel required to be competent in immigration law before taking on representation of Mr. Mayo?
6. If Bloch and Barrel decide they are not competent in immigration law, do they have an obligation to associate themselves with someone who is competent? Can they discharge their ethical obligation of competence in some other way?
7. To what extent does the cost of retaining an expert impact Bloch and Barrel's ethical obligation to do so? Assume for a moment that Mr. Mayo is indigent, is the cost of retaining an immigration expert an expense that will be reimbursed by the court? Should it be reimbursed?
8. What should Bloch and Barrel consider in deciding to take the case?
9. What questions should Bloch and Barrel ask Mr. Mayo?

### **SCENE FOUR**

10. Does Ms. Sludge (the prosecutor) have an obligation to understand or communicate immigration consequences (or other collateral consequences) as part of plea negotiations?

### **SCENE FIVE**

11. Is Mr. Barrel's discussion with Mr. Mayo sufficient to meet the requirements of Padilla?
12. Does the trial judge's colloquy with Mr. Barrel and Mr. Mayo meet the aspirational standard of Padilla?
13. Does Mr. Barrel's description of his conversation with Mr. Mayo discharge his duty of candor toward the tribunal?

