

PRACTICE EXAM 12 : MPRE

SIMULATION

Time Allotted: 2 hours

Format: Multiple choice — select the best answer

1. A lawyer admitted to practice in State A for ten years applies for admission to State B's bar by reciprocity. State B's rules require disclosure of any disciplinary action in any other jurisdiction. The lawyer received a private reprimand in State A three years ago for trust account violations. She does not mention the reprimand on her State B application.

A. No, because private reprimands are confidential and not subject to mandatory disclosure across jurisdictions

B. Yes, because reciprocal admission applications are governed by uniform federal standards rather than state-specific requirements

C. Yes, because Rule 8.1(a) prohibits an applicant from knowingly making a false statement or failing to disclose a material fact in the application

D. No, because the conduct giving rise to the reprimand has not been formally repeated by the lawyer in the years since

2. A lawyer represents a defendant in a civil suit for damages. The plaintiff offers to settle for \$30,000. The lawyer thinks the case can be won at trial and recommends rejection. The client instructs the lawyer to accept the settlement to end the matter. The lawyer believes the settlement substantially undervalues the strength of the defense.

A. The lawyer must withdraw because the client has refused to follow the lawyer's strategic recommendation in the case

B. The lawyer must abide by the client's decision because Rule 1.2(a) reserves to the client the decision whether to settle a civil matter

C. The lawyer may refuse to convey the settlement acceptance because she believes the underlying defense merits trial on the issues

D. The lawyer may continue litigation if she reasonably believes settlement is contrary to the client's overall best interests under the rule

3. A lawyer agrees to represent a client in a complex commercial matter. Over six months, the matter undergoes several significant developments — including an opposing motion that materially affects the client's position. The lawyer does not inform the client of any of the developments because she plans to handle them entirely on her own and report only the final results.

A. The lawyer's conduct is permissible because clients ordinarily retain counsel to handle complex matters without continuous involvement in details

B. The lawyer's conduct is permissible provided the final outcome of the matter is favorable to the client at the conclusion of the representation

C. The lawyer's conduct is permissible only if the engagement letter expressly waives any communication requirement during the pendency of the matter

D. The lawyer's conduct violates Rule 1.4 because lawyers must keep clients reasonably informed about the status of the matter and promptly comply with reasonable requests for information

4. A lawyer who specializes in real estate is asked by a long-time client to represent her in a complex patent litigation matter. The lawyer has no background in patent law and would need substantial time to acquire competence in the area. The lawyer agrees to take the case to maintain the client relationship and assures the client of competent representation in the matter.

A. The lawyer's conduct violates Rule 1.1 unless she can attain competence by reasonable preparation or by associating with a lawyer of established competence in the field

B. The lawyer's conduct is permissible because all licensed lawyers are presumptively competent to handle any legal matter that arises within their jurisdiction of admission

C. The lawyer's conduct is permissible because the longstanding client relationship justifies expanding the lawyer's practice into new fields whenever a client requests assistance

D. The lawyer's conduct is permissible provided the lawyer charges a reduced fee that reflects her lack of prior experience in patent litigation matters during the representation

5. A lawyer represents a client in a commercial contract dispute. During settlement negotiations, the lawyer makes disclosures about the client's general financial position and business priorities to opposing counsel that are reasonably necessary to facilitate negotiation. The client has not specifically authorized these disclosures in advance of the discussions.

A. The disclosures violate Rule 1.6 because client information may never be disclosed without express prior client authorization in writing on each topic

B. The disclosures are permissible under Rule 1.6 as impliedly authorized to carry out the representation, provided they are reasonably necessary to advance the client's negotiation objectives

C. The disclosures are permissible only if the client has previously been informed of and agreed to each specific category of negotiation disclosure being made

D. The disclosures violate Rule 1.6 if opposing counsel later uses the information in any way to disadvantage the client in the negotiation outcome

6. A former client files a malpractice action against a lawyer alleging negligent representation in a contract dispute. The lawyer wants to use information disclosed during the representation to demonstrate that her advice was sound and that the client's poor outcome resulted from the client's own decisions in the matter she handled.

A. The lawyer is prohibited from disclosing any information from the prior representation because the duty of confidentiality survives termination of representation

B. The lawyer must obtain the former client's informed consent before disclosing any information from the prior representation in her own defense to the action

C. The lawyer must seek prior court approval through a sealed motion before disclosing any information from the representation in defense of the malpractice claim

D. Rule 1.6(b)(5) permits a lawyer to reveal information relating to the representation to the extent reasonably necessary to establish a defense in a controversy between the lawyer and the client

7. A lawyer is asked to represent Plaintiff A in a contract dispute against Defendant B. While the matter is pending, the lawyer's spouse — also a lawyer — joins a different firm that represents Defendant B in unrelated regulatory matters. The lawyer wishes to continue representing Plaintiff A and there is no information sharing between the spouses about the matter.

A. The lawyer must withdraw from representing Plaintiff A because Rule 1.10 imputes spousal conflicts across all firms involving family relationships of any kind

B. The lawyer must withdraw because the spouse's firm has confidential information about Defendant B that creates a per se imputed conflict for the lawyer

C. Under Rule 1.7 and its comments, the spousal relationship may create a personal-interest conflict requiring informed consent of Plaintiff A, but the spouse's firm conflict is generally not imputed to the lawyer

D. The lawyer may continue without disclosure to Plaintiff A because the spouses practice at different firms and the matters are unrelated to each other in any way

8. A lawyer represented a corporation for eight years in tax matters, including extensive review of the corporation's internal financial records and tax strategies. The representation ended last year. The lawyer is now asked by a former employee to represent her in a wrongful termination suit against the corporation. The claim turns on the corporation's general financial condition.

A. No, because Rule 1.9(a) prohibits a lawyer from representing another person in a matter substantially related to the prior representation with materially adverse interests to the former client absent informed consent

B. Yes, because the former employee's wrongful termination claim arises in a different legal area than the prior tax representation provided to the corporation client

C. Yes, provided the lawyer has not retained any specific tax documents from the prior representation in her possession at the firm where she now practices

D. No, but only if the corporation's current general counsel objects to the proposed representation before the case proceeds to trial preparation in the matter

9. A lawyer worked for the Securities and Exchange Commission for six years. During her tenure, she personally and substantially participated in an enforcement investigation of Company X concerning alleged accounting irregularities. The investigation was closed two years ago without enforcement action. The lawyer now works at a private firm and is asked to defend Company X in a private securities class action arising from the same accounting irregularities.

A. Yes, because the SEC investigation was closed without enforcement action and is no longer considered an active matter for purposes of conflict analysis

B. Yes, provided the lawyer signs a statement affirming she will not use any information learned at the SEC during the private representation of Company X

C. Yes, but only if the SEC waives its objection to her former-government conflict before she begins the private representation work in the new matter

D. No, because Rule 1.11(a) prohibits a former government lawyer from representing a private client in a matter in which she participated personally and substantially as a public officer, absent the agency's informed written consent

10. A lawyer is retained by an insurance carrier under a liability policy to defend an insured driver in a personal injury action. The plaintiff offers to settle within the insured's policy limits. The carrier instructs the lawyer to reject the settlement and continue litigation. The insured driver would face personal liability if a verdict exceeds the policy limits.

A. The lawyer must follow the carrier's instructions in all respects because the carrier is paying the legal fees and providing direction in the matter from the start

B. The lawyer's primary client is the insured under most state interpretations of the tripartite relationship, and the lawyer must consider the insured's interest in protecting against an excess verdict

C. The lawyer must immediately withdraw because any tension between insurer instructions and insured interests creates a per se non-consentable conflict in this type of case

D. The lawyer must accept the policy-limits settlement on behalf of the insured driver without consulting either the carrier or the insured driver under the applicable rules

11. A lawyer represents twelve plaintiffs in a mass tort matter arising from a single industrial accident. The defendant offers a \$6 million global settlement requiring distribution among all twelve plaintiffs. The lawyer's proposed settlement allocation gives some plaintiffs more than others based on assessed injury severity. The lawyer believes the allocation is fair and reasonable.

A. The lawyer must obtain each client's informed consent in a signed writing after disclosing the existence and nature of all claims and the share each client will receive under Rule 1.8(g)

B. The lawyer may finalize the settlement allocation unilaterally because she has authority to make distribution decisions in aggregate-settlement representations involving multiple plaintiffs

C. The lawyer may obtain oral consent from a majority of the plaintiffs and apply the allocation to all twelve plaintiffs under standard aggregate settlement principles

D. The lawyer must submit the allocation to the court for approval before any individual plaintiff signs an acceptance of the global settlement amount in the matter

12. A lawyer's longtime client owns a successful local bakery. The client invites the lawyer to invest as a minority partner in a new bakery location at favorable terms. The lawyer believes the terms are fair, would invest \$40,000, and would expect a return based on the new location's profits over time.

A. The lawyer may invest without restriction because the transaction was initiated by the client at fair-market terms favorable to the lawyer in the venture

B. The lawyer may invest provided she discloses the transaction terms orally to the client before signing the partnership agreement for the new venture

C. The lawyer must ensure terms are fair and reasonable, disclose them in writing, advise the client to seek independent counsel, give a reasonable opportunity, and obtain signed informed consent under Rule 1.8(a)

D. The lawyer is categorically prohibited from any business transactions with a current client under Rule 1.8 regardless of disclosure or availability of independent counsel

13. A lawyer who is a senior partner in her firm regularly makes sexually suggestive comments to female associates and paralegals at firm social events. The associates and paralegals find the comments unwelcome and have complained internally. The partner argues that the comments are made off-premises and outside formal work hours of the firm.

A. No, because comments made at social events outside formal work hours fall outside the rules of professional conduct in any jurisdiction

B. Yes, because Rule 8.4(g) prohibits conduct related to the practice of law that the lawyer knows or reasonably should know is harassment based on sex, and firm-sponsored events fall within the practice of law

C. No, provided that the comments do not interfere with the professional work performance of the associates or paralegals at the firm during regular hours

D. Yes, but only if the complaints have been formally reduced to a written grievance and filed with the state human rights commission directly by complainants

14. A lawyer served as a court-appointed mediator in a complex commercial dispute last year. The mediation resulted in a binding settlement between the parties. One of the parties to that mediation now asks the lawyer to represent her in a new unrelated matter against a third party that has no connection to the prior mediation.

- A. The lawyer may not accept the new representation because Rule 1.12 disqualifies her from any work involving any party from a prior neutral role permanently
- B. The lawyer must obtain consent from all parties to the original mediation before accepting any new representation of a former mediation participant in any matter
- C. The lawyer must screen herself from any aspect of the new matter that touches on the prior mediation issues for at least three years going forward
- D. The lawyer may accept the new representation because Rule 1.12(a)'s restriction applies to matters in which the lawyer participated as a neutral, not to all subsequent unrelated matters

15. A lawyer is preparing for trial in a contract dispute. The lawyer discovers a key email written by her client that severely damages the client's case. The client suggests the lawyer modify the email's metadata to make it appear sent on a different date that would help the client's position. The lawyer refuses.

- A. The lawyer's refusal is required because Rule 3.4(b) prohibits a lawyer from falsifying evidence or counseling or assisting another to do so in connection with litigation
- B. The lawyer's refusal is optional because modifications to a client's own documents are within the client's discretion to authorize generally under client-decision rules
- C. The lawyer may modify the metadata if the client signs a written authorization releasing the lawyer from liability for any consequences in the case under the rules
- D. The lawyer must modify the metadata if the client insists, because Rule 1.2(a) requires lawyers to abide by clients' decisions concerning the means of representation broadly

16. A lawyer accepts a case to file a personal injury lawsuit before the statute of limitations expires. The lawyer becomes preoccupied with other matters and neglects the case. The statute of limitations expires before the complaint is filed. The client's claim is now permanently barred. The lawyer was aware of the deadline throughout the relevant period.

- A. The lawyer is not subject to discipline because the rules of professional conduct address only intentional misconduct, not mere oversight or negligence in handling a case
- B. The lawyer is not subject to discipline because the client's recovery from the missed deadline is available only through a civil malpractice action rather than disciplinary proceedings
- C. The lawyer is subject to discipline under Rule 1.3, which requires reasonable diligence and promptness in representing a client, and missing a known statute of limitations violates that duty

D. The lawyer is subject to discipline only if the client formally files a complaint with the state's lawyer discipline authority within sixty days of the missed deadline

17. A lawyer is conducting closing argument in a jury trial. During the argument, the lawyer states to the jury, "I personally believe that my client is telling the truth and that the plaintiff's witness is lying." The lawyer is offering her personal vouching on the credibility of witnesses directly to the jury hearing the case.

A. The statement is permissible because closing arguments are not subject to professional conduct restrictions on lawyer commentary about the evidence presented at trial

B. The statement is permissible provided that the lawyer believes in good faith that her client is in fact telling the truth in the underlying matter being argued

C. The statement is permissible because vouching for witnesses falls within the latitude permitted to counsel in advocating their client's position at trial under most rules

D. The statement violates Rule 3.4(e), which prohibits a lawyer in trial from stating a personal opinion as to the credibility of a witness or the justness of a cause

18. A lawyer represents a plaintiff in a civil action. She knows the defendant is represented by counsel. The defendant, frustrated with his own counsel, contacts the plaintiff's lawyer directly to discuss settlement and explicitly states he is doing so without his lawyer's knowledge. The plaintiff's lawyer wants to engage in the conversation.

A. The lawyer may engage in the conversation because the represented party initiated the contact and waived the protections of Rule 4.2 by his own voluntary action

B. The lawyer may not engage because Rule 4.2 prohibits communication with a represented person without the consent of that person's lawyer, regardless of who initiates contact

C. The lawyer may engage in the conversation provided that she records the discussion so a complete record exists of the defendant's voluntary contact and statements made

D. The lawyer may engage in the conversation if she first verifies in writing that the defendant has not informed his own counsel of the planned communication to her firm

19. A lawyer hires a paralegal to assist with client intake and file management. After several months, the paralegal begins meeting with new clients and quoting estimated fees based on her own assessment of

case complexity. She also makes general assurances to clients about likely outcomes. The lawyer is aware and has not corrected the practice.

A. The lawyer is subject to discipline under Rule 5.3 because she failed to make reasonable efforts to ensure the paralegal's conduct is compatible with the lawyer's professional obligations and may also be assisting unauthorized practice

B. The lawyer is not subject to discipline because paralegals are independently licensed and responsible for their own communications with clients under state law and regulation

C. The lawyer is not subject to discipline because the paralegal's conduct involves only intake and not substantive legal advice during the representation of the clients

D. The lawyer is subject to discipline only if a client formally complains about the paralegal's specific statements about fees or case outcomes after the fact to the firm

20. A lawyer meets with a potential client to discuss possible representation in a contract dispute. The potential client describes the facts of the dispute and her assessment of the strengths of her position. The lawyer decides not to take the case. Three months later, the opposing party in that contract dispute approaches the lawyer for representation in the same matter.

A. The lawyer may represent the opposing party because no attorney-client relationship was formed with the potential client during their initial consultation meeting on the dispute

B. The lawyer may represent the opposing party if she promises not to use any information received from the potential client during her representation of the opposing party in the case

C. The lawyer is generally prohibited under Rule 1.18(c) from representing the opposing party in the same matter if she received from the potential client information that could be significantly harmful

D. The lawyer may represent the opposing party if she screens herself from any direct communications with the potential client during the new representation in the matter

21. A lawyer is named managing partner of her firm. She knows that the firm has no written policies regarding handling of client trust funds, conflict checking procedures, or supervision of junior associates. She believes such policies are unnecessary because the firm has not had any problems in the past from the absence of these policies.

A. The lawyer's lack of policies is permissible because Rule 5.1 applies only to the supervision of specific individual associates in active matters before the firm

- B. The lawyer's lack of policies may violate Rule 5.1(a), which requires partners and managerial lawyers to make reasonable efforts to ensure the firm has measures giving reasonable assurance of compliance
- C. The lawyer's lack of policies is permissible because firm administrative matters are outside the scope of professional responsibility regulation as a general matter under the Rules
- D. The lawyer's lack of policies is permissible because no actual harm has resulted from the absence of formal written firm procedures in any past matters at the firm

22. A lawyer learns through media reports of a serious traffic accident in which several people were injured and one was killed. The lawyer goes to the hospital where the surviving victims are being treated, identifies herself in the lobby and emergency department waiting areas as available to represent injured passengers, and provides her business cards to family members.

- A. The lawyer's conduct is permissible because Rule 7.3 permits in-person solicitation at locations where prospective clients have gathered following a public emergency in the area
- B. The lawyer's conduct is permissible provided that she informs each prospective client of her hourly rate before any conversation about possible representation begins between them
- C. The lawyer's conduct is permissible because public solicitation at accident scenes is constitutionally protected expressive activity under the First Amendment in the United States
- D. The lawyer's conduct violates Rule 7.3 because the rule generally prohibits live, in-person solicitation of professional employment from non-lawyers where significant motive is the lawyer's pecuniary gain

23. A lawyer represents a plaintiff in an employment discrimination action against a corporation. The lawyer wants to call the corporation's former director of human resources, who left the company two years ago and is no longer represented by corporate counsel. The lawyer knows the corporation's counsel has not authorized any direct contact with former employees of the corporation.

- A. The lawyer may contact the former director because Rule 4.2 does not bar communication with a corporation's former employees who are not separately represented by counsel
- B. The lawyer must obtain consent from corporate counsel because former employees of a represented entity remain covered by Rule 4.2's prohibition indefinitely after departure
- C. The lawyer may contact the former director only if she also informs corporate counsel in advance of the planned conversation and shares any information learned afterward
- D. The lawyer may not contact the former director until she obtains a written acknowledgment from the corporation that the former director's employment has ended permanently

24. A lawyer represents a corporate client in connection with a planned merger. During the representation, the lawyer learns of nonpublic material information about the upcoming merger. Without disclosing the merger to anyone, the lawyer purchases stock in the corporation through a personal brokerage account in her own name and using her own personal funds.

A. The lawyer's conduct is permissible because she purchased the stock through her own personal account using her own personal funds without any client involvement in the transaction

B. The lawyer's conduct may violate securities laws but does not implicate any rules of professional conduct because the trades occurred outside the law firm's organizational structure

C. The lawyer's conduct violates Rule 1.8(b), which prohibits using information relating to representation of a client to the disadvantage of the client without informed consent, and may violate insider trading laws

D. The lawyer's conduct is permissible if the lawyer holds the stock for at least six months before selling and reports the transaction on her firm's quarterly trading disclosure forms

25. A trial judge appoints a lawyer to represent an unpopular defendant in a controversial criminal case. The lawyer has no scheduling conflicts and no conflict of interest. The defendant has not violated any rule that would make representation untenable. The lawyer wants to decline because she finds the alleged conduct personally repugnant and fears reputational harm to her firm.

A. Under Rule 6.2, a lawyer shall not seek to avoid appointment except for good cause, and personal distaste or reputational concerns generally do not constitute good cause when other ethical grounds are absent

B. The lawyer may decline the appointment because lawyers retain professional autonomy over which clients to accept regardless of court appointments in all circumstances of legal practice

C. The lawyer may decline the appointment because Rule 6.2 permits declining whenever a lawyer believes representation will harm her professional reputation in any way at all

D. The lawyer may decline the appointment by providing the court with a brief written explanation of her reasons for declining the defendant's case at this time before counsel is appointed

26. A lawyer is convicted of misdemeanor theft for shoplifting an item worth \$200 from a department store. The theft is unrelated to her law practice and involved no client funds, no clients, and no professional context whatsoever. The lawyer pays the imposed fine without contest and the conviction is publicly recorded in the local court system.

- A. The lawyer is not subject to discipline because the offense was a minor misdemeanor unrelated to her professional practice or any client matter she has handled
- B. The lawyer is not subject to discipline because the criminal conviction has been resolved through payment of the imposed fine without further legal consequences
- C. The lawyer is subject to discipline only if the theft conviction is subsequently elevated to a felony charge under applicable state law in the jurisdiction of her practice
- D. The lawyer is subject to discipline under Rule 8.4(b), which makes it professional misconduct to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness to practice

27. A lawyer represents a corporation. During the representation, the lawyer learns that the chief financial officer is engaged in conduct that is a clear violation of the corporation's legal obligations and is likely to result in substantial injury to the corporation if not addressed. The lawyer reasonably believes the matter must be addressed promptly.

- A. The lawyer must withdraw immediately without taking any other action because continued representation would conflict with the corporation's interests in the matter
- B. The lawyer must report the matter directly to the state's lawyer disciplinary authority before taking any other action regarding the matter at hand
- C. Under Rule 1.13(b), the lawyer shall proceed as is reasonably necessary in the best interest of the organization, which ordinarily includes referring the matter up the chain of authority to higher officials
- D. The lawyer must publicly disclose the CFO's conduct to the company's shareholders directly to discharge her duty to the corporate entity she serves as counsel

28. A lawyer represented a client in estate planning matters for many years. The client died last year of natural causes. The lawyer is now contacted by a journalist who is writing a book about the late client's controversial business dealings. The journalist asks the lawyer to share information learned during the estate planning representation.

- A. The lawyer may freely share the information because the duty of confidentiality terminates immediately upon the death of the client under standard rules
- B. The lawyer may not share the information because the duty of confidentiality survives the death of the client under Rule 1.6 and related authority
- C. The lawyer may share general non-specific impressions about the client provided she does not disclose any specific documents or particular advice given to the client

D. The lawyer may share the information if the journalist agrees in writing not to attribute any statements directly to the deceased client's lawyer in the eventual book

29. A lawyer earns a substantial income from corporate work. She does not provide any pro bono services or financial contributions to organizations providing legal services to those of limited means. She tells colleagues that her tax obligations and existing client work fully satisfy her professional duties to society as a lawyer.

A. The lawyer is subject to discipline because Rule 6.1 imposes a mandatory annual requirement of 50 hours of pro bono legal services on every practicing lawyer in the jurisdiction

B. The lawyer is subject to discipline only if she earns above a specified income threshold established by her state's bar association rules for income-based service requirements

C. The lawyer is subject to discipline because Rule 6.1 requires lawyers to provide either pro bono services or equivalent monetary contributions every calendar year of active practice

D. The lawyer is not subject to discipline because Rule 6.1 is aspirational rather than mandatory, expressing what every lawyer should aspire to do but not imposing a disciplinary obligation

30. A lawyer represents a corporation. During an interview, a midlevel manager of the corporation tells the lawyer she may have personal exposure for actions taken on behalf of the corporation in a regulatory matter. The manager asks the lawyer to also represent her personally in connection with the same matter the lawyer is handling for the corporation.

A. Before considering any joint representation, the lawyer must under Rule 1.13(f) explain that she represents the organization rather than the manager personally when the interests are or may be adverse

B. The lawyer may automatically accept the joint representation because Rule 1.13 authorizes corporate lawyers to also represent corporate employees in matters involving company business under all circumstances

C. The lawyer must accept the joint representation because the manager has a right to representation by the company's regular outside counsel in matters involving the corporation

D. The lawyer must decline any joint representation under Rule 1.13 because the corporate lawyer is categorically prohibited from representing any individual corporate employee or officer in any circumstance

31. A lawyer is negotiating an employment dispute on behalf of an employee against a tech startup. During the negotiation, the startup offers to retain the lawyer's firm as outside counsel on other matters at favorable rates, hoping to encourage settlement of her client's dispute. The lawyer has not disclosed this offer to her current client.

A. The lawyer may accept the future retention offer because it is offered to the firm and does not personally benefit the individual lawyer handling the case at present

B. The lawyer's acceptance of the offer without disclosure violates Rule 1.7(a)(2) because the future retention creates a significant risk that representation may be materially limited by the lawyer's financial interest

C. The lawyer may accept the offer if she promises not to factor it into her negotiation strategy in her current client's dispute against the startup at any point during the case

D. The lawyer may accept the offer provided that the future retention does not formally take effect until after the current employment dispute settles between the existing parties

32. A lawyer is preparing for trial in a complex commercial dispute. The lawyer wants to retain an expert witness to provide testimony favorable to her client. The expert offers to testify on a contingent basis, with her fee dependent on whether the lawyer's client wins the case at the upcoming trial of the matter.

A. The lawyer may accept the contingent fee arrangement because expert witnesses are not subject to the same compensation restrictions as fact witnesses in litigation matters

B. The lawyer may accept the contingent fee arrangement provided the expert discloses the arrangement to the court before testifying at the trial in the matter at hand

C. The lawyer may not enter the contingent fee arrangement because Rule 3.4(b) prohibits a lawyer from offering an inducement to a witness that is prohibited by law, and contingent expert witness fees are generally prohibited

D. The lawyer may accept the contingent fee arrangement if the contingent portion does not exceed 30% of the expert's customary hourly compensation for similar testimony in similar matters

33. A lawyer is asked to represent a client in an immigration matter involving asylum proceedings. The lawyer has never handled an immigration case but believes she can do "reasonable research" before each step. The client's case involves complex regulatory issues, a non-English-speaking client, and impending statutory deadlines the lawyer is unfamiliar with.

- A. The lawyer's acceptance may violate Rule 1.1 unless she acquires the requisite knowledge by reasonable preparation, associates with experienced immigration counsel, or refers the matter to a competent lawyer
- B. The lawyer's acceptance is permissible because all lawyers are presumptively competent to handle any matter governed by federal law within their state of admission to practice
- C. The lawyer's acceptance is permissible provided she charges the client a reduced fee that reflects her lack of prior experience in immigration law and asylum proceedings going forward
- D. The lawyer's acceptance is permissible if she warns the client orally that the asylum case is outside her usual practice area before any retainer is signed by the client at the start

34. A lawyer maintains a client trust account that has held funds for several clients. The lawyer takes \$3,000 from the account for her personal use and "borrows" additional amounts at various times, replacing each amount within a few weeks. No client has experienced a delay in receiving funds owed. The lawyer's bookkeeping shows the source and timing of each transaction precisely.

- A. The lawyer's conduct is permissible because no client has experienced delay or loss as a result of the temporary borrowing from the trust account in any matter she handles
- B. The lawyer's conduct violates Rule 1.15 because the rule requires lawyers to hold client funds separate from the lawyer's own property, and unauthorized use of trust funds is misappropriation regardless of repayment
- C. The lawyer's conduct is permissible because her detailed bookkeeping ensures that no client funds are ever permanently missing from the trust account at the time of any audit performed
- D. The lawyer's conduct is permissible if she pays any imputed interest to the affected clients at a rate equal to the bank's commercial lending rate during the borrowing periods of the funds

35. A lawyer agrees to provide "unbundled" legal services to a client in a small claims dispute. The lawyer will draft the initial pleadings but the client will appear pro se at hearings and in any settlement discussions. The lawyer believes the limitation is reasonable given the modest amount in dispute. The agreement is documented in writing and the client gives informed consent.

- A. The arrangement is impermissible because Rule 1.2(c) categorically prohibits limited-scope representation in any contested matter actually before a court in the jurisdiction
- B. The arrangement is permissible only if the trial court formally approves the limited-scope arrangement before any pleadings are filed in the small claims action by the lawyer

C. The arrangement is impermissible because the limited scope of representation effectively constitutes unauthorized practice of law by the client during the hearings under most rules

D. The arrangement is permissible under Rule 1.2(c) provided the limitation is reasonable under the circumstances and the client gives informed consent to the limitation in the engagement

36. A lawyer is examining a hostile witness during a civil trial. The witness gives a damaging answer. The lawyer immediately states to the jury, "That answer is absolutely false — I personally know that the witness is lying because of what I have learned in my own investigation of this case outside of court."

A. The statement is permissible because lawyers may use any rhetorical technique to challenge hostile witnesses in cross-examination at trial during cases involving witness credibility

B. The statement is permissible provided that the lawyer has in fact conducted her own personal investigation outside the formal litigation discovery process before trial

C. The statement violates Rule 3.4(e) because it prohibits a lawyer in trial from asserting personal knowledge of facts in issue except when testifying as a witness in the case

D. The statement is permissible because cross-examination involves vigorous advocacy that is recognized as a core function of trial counsel for litigants in adversarial proceedings

37. A solo practitioner refers a complex products liability case to a litigation firm. The two lawyers agree that the solo practitioner will receive 25% of any contingent fee recovered. They will assume joint responsibility for the matter. They do not disclose to the client either the fact of the fee division or the percentage shares.

A. The arrangement violates Rule 1.5(e) because the rule requires that the client agree to the arrangement, including the share each lawyer will receive, with the agreement confirmed in writing

B. The arrangement is permissible because the solo practitioner and the litigation firm have agreed to assume joint responsibility for the matter going forward in their fee-sharing arrangement

C. The arrangement is permissible provided the total fee charged to the client is reasonable under Rule 1.5(a) factors regardless of the internal lawyer division of any recovered fees

D. The arrangement is permissible because referral fees between lawyers at different firms are governed by separate state law principles rather than the rules of professional conduct generally

38. A lawyer represented a corporation for three years in tax planning matters. The representation has ended. The lawyer is now asked by an environmental group to bring an enforcement action against the

corporation for alleged improper waste disposal practices. The waste disposal claims are factually unrelated to the prior tax planning work.

- A. The lawyer may not undertake the new representation because Rule 1.9 imposes a permanent disqualification from any matter adverse to a former client regardless of subject area
- B. The lawyer may generally undertake the new representation because Rule 1.9(a) prohibits adverse representation against a former client only in matters that are the same or substantially related to the prior representation
- C. The lawyer may not undertake the new representation because environmental enforcement actions are conclusively considered substantially related to any prior corporate tax work in the eyes of the rules
- D. The lawyer may undertake the new representation only if the corporation gives informed written consent to her appearance against it in the environmental matter she now plans to bring

39. A lawyer is engaged to litigate a contract dispute. The lawyer's testimony will be required regarding the value of the legal services her firm performed in negotiating an earlier related agreement. The lawyer's testimony relates only to the nature and value of legal services in the prior matter and does not address any contested issue in the present matter.

- A. The lawyer must withdraw entirely under Rule 3.7 because a lawyer cannot serve as advocate at a trial in which she is likely to be a necessary witness for any purpose at all
- B. The lawyer may serve as advocate only if opposing counsel and the trial court both consent in writing to her dual role as both witness and advocate in the case at trial
- C. The lawyer must withdraw but a different lawyer from the same firm is per se disqualified from continuing the representation as substitute counsel in the matter going forward
- D. The lawyer may serve as advocate at the trial because Rule 3.7(a)(2) permits a lawyer to act as advocate when her testimony relates solely to the nature and value of legal services rendered in the case

40. A lawyer's former client believes the lawyer's representation in a past matter fell below the standard of care. The lawyer disagrees but wishes to settle the potential malpractice claim quickly to avoid litigation. The lawyer prepares a written settlement agreement to send directly to the former client offering \$20,000 to release all claims.

- A. The lawyer may simply send the settlement agreement to the former client because the dispute is between two adults capable of evaluating settlement offers from one another

B. The lawyer must obtain the trial court's prior approval of the proposed settlement before sending the offer to the former client in any form whatsoever before settlement

C. Under Rule 1.8(h)(2), the lawyer must first advise the former client in writing of the desirability of seeking independent legal counsel and give a reasonable opportunity to do so before settling

D. The lawyer is categorically prohibited from settling a malpractice claim with a former client and must allow any such claim to proceed through formal litigation to judgment

41. A lawyer agrees to represent a client on a contingent fee basis. The fee agreement provides that the lawyer will hold a statutory attorney's lien on any recovery to secure payment of the contingent fee earned. The lien is recognized under applicable state statute and is limited to the agreed contingent fee amount earned by the lawyer.

A. The arrangement is permissible because Rule 1.8(i) permits a lawyer to acquire a lien authorized by law to secure the lawyer's fee or expenses incurred in the matter

B. The arrangement violates Rule 1.8(i) because the rule absolutely prohibits any lawyer interest in a client's recovery in pending litigation under any circumstances at all

C. The arrangement is permissible only if the lien amount is documented in detail and approved by the trial court at the outset of representation in the matter

D. The arrangement is permissible only if the client agrees in writing to release the lien immediately upon receipt of any settlement proceeds in the matter being handled

42. A lawyer is asked by two parties to draft a real estate purchase contract that they have already negotiated between themselves. They each want the lawyer to "just put what we've agreed into writing." The two parties have potentially conflicting interests as buyer and seller in the transaction at hand.

A. The lawyer may proceed as a neutral scrivener without further disclosure because the two parties have already reached agreement on substantive terms of the transaction

B. The lawyer must explain the implications of common representation, including risks to confidentiality and limits on advancing either party's interests, and obtain each client's informed consent confirmed in writing

C. The lawyer may proceed as scrivener only if she charges each party a separate fee for the document preparation services rather than a single combined fee for both parties

D. The lawyer must decline because dual representation of buyer and seller in any real estate transaction is per se a non-consentable conflict regardless of disclosure under the rules

43. A lawyer is litigating a contract dispute. An anonymous source mails her a packet of opposing counsel's internal strategy memos that were apparently stolen from opposing counsel's office. The memos contain privileged work product. The lawyer recognizes immediately that the documents are stolen and privileged on their face.

A. The lawyer may review and use the documents because they were not produced by opposing counsel in discovery and were obtained through a third-party source outside the case

B. The lawyer may review the documents but must seek a court ruling on admissibility before introducing them as evidence at the trial of the matter then before the court

C. The lawyer may review and quote from the documents in her pleadings provided she does not identify the source from which the documents were obtained during the proceedings

D. The lawyer should refrain from reviewing the documents, promptly notify opposing counsel and likely the court, and follow applicable law and ethics opinions on handling evidently stolen privileged materials

44. A lawyer's client has been deposed and gave testimony that the lawyer later learns was materially false. The lawyer counsels the client to correct the testimony. The client refuses to correct the false testimony and instructs the lawyer to take no remedial action. The deposition transcript may be used at the upcoming trial.

A. Under Rule 3.3(b), the lawyer must take reasonable remedial measures, including, if necessary, disclosure to the tribunal, even if it requires revealing information otherwise protected by Rule 1.6

B. The lawyer must continue the representation without further action because the duty of confidentiality under Rule 1.6 prevents any disclosure of client false testimony to the tribunal at all

C. The lawyer must withdraw immediately without any disclosure to the tribunal regarding the false deposition testimony that was given by the client previously in the case

D. The lawyer must obtain the client's written consent to any disclosure to the tribunal regarding the false deposition testimony given previously by the client during discovery

45. A lawyer is briefing a complex statutory question. She finds an unpublished trial court ruling from her own jurisdiction that addresses the same statutory question and resolves it adversely to her client's position. The ruling is not binding on the current court. Opposing counsel has not cited the ruling in his briefing in the case.

- A. The lawyer must disclose the unpublished ruling because Rule 3.3(a)(2) requires disclosure of all known adverse authority regardless of binding force or persuasive value or precedence
- B. The lawyer is not required to disclose the unpublished ruling because Rule 3.3(a)(2) requires disclosure only of controlling authority directly adverse to the client's position not disclosed by opposing counsel
- C. The lawyer is required to disclose the unpublished ruling if the ruling represents the most recent decision on the legal issue in the same jurisdiction at the time of briefing
- D. The lawyer is required to disclose any unpublished trial court ruling that issued within the past five years on the same statutory question being briefed before any court hearing

46. A lawyer is retained by a criminal defendant accused of armed robbery. The defendant has limited resources and offers to pay a contingent fee equal to \$50,000 if acquitted and nothing if convicted. The lawyer believes the arrangement is fair given the defendant's circumstances and the case's complexity and the parties' agreement on terms.

- A. The lawyer may accept the contingent fee arrangement because it is consistent with the rules governing legal fees and provides access to representation for an indigent defendant in a serious case
- B. The lawyer may accept the contingent fee arrangement provided that the agreement is reduced to a signed writing executed by both lawyer and client before any trial preparation begins
- C. The lawyer may not accept the contingent fee arrangement because Rule 1.5(d)(2) prohibits a lawyer from charging or collecting a contingent fee for representing a defendant in a criminal case
- D. The lawyer may accept the contingent fee arrangement only if the defendant first pays a minimum nonrefundable retainer of at least \$5,000 toward initial expenses of the matter

47. A lawyer receives a \$50,000 settlement check on behalf of a client. The client owes the lawyer \$8,000 in earned but undisputed legal fees. The check is made out to "Lawyer in Trust for Client." The lawyer endorses and deposits the check into her client trust account on the day of receipt without any further delay.

- A. The lawyer must promptly notify the client of receipt of funds, promptly deliver the client's portion, and may then withdraw the \$8,000 in undisputed earned fees under Rule 1.15
- B. The lawyer may deposit the entire amount into her firm operating account because the settlement was received as part of a contingent fee arrangement that she handled in the matter
- C. The lawyer must immediately disburse the entire \$50,000 to the client without any deduction for earned but unpaid legal fees under Rule 1.15(a) of the applicable rules

D. The lawyer must hold the entire \$50,000 in the trust account for at least sixty days before disbursing any portion of the funds to either the client or to herself

48. A lawyer learns through public records of a recent business bankruptcy filing affecting many small businesses in her area. The lawyer sends individualized emails to each business owner offering legal representation in bankruptcy-related matters. The emails are clearly labeled as "Advertising Material" and provide accurate information about her services and fees.

A. The conduct violates Rule 7.3 because Rule 7.3 categorically prohibits all electronic solicitation of small business owners following a public bankruptcy event regardless of labeling on the communication

B. The conduct violates Rule 7.3 because the lawyer used personal contact information obtained from public records, which is a per se improper basis for any electronic solicitation activity by a lawyer

C. The conduct violates Rule 7.3 only if a recipient business owner specifically complains about receiving the unsolicited targeted electronic communication from the lawyer after the fact

D. The conduct is generally permitted under Rule 7.3 because the rule permits written, recorded, or electronic solicitations to specific persons known to need legal services when properly labeled as advertising

49. A lawyer served as a court-appointed mediator in an employment dispute. The mediation was unsuccessful and the parties are now proceeding to litigation. One party asks the lawyer to represent her in the underlying litigation against the other party from the mediation, given the lawyer's familiarity with the case.

A. The lawyer may accept the new representation because mediation that fails to produce a settlement does not create any continuing conflict for the lawyer's subsequent practice in the same matter

B. Under Rule 1.12, the lawyer may not represent anyone in a matter in which she participated personally and substantially as a mediator unless all parties give informed consent confirmed in writing

C. The lawyer may accept the new representation provided that she screens herself from any mediation-related materials retained in her files from the prior mediation process and proceedings

D. The lawyer may accept the new representation only if the trial court formally consents to the representation given the lawyer's prior role as mediator in the matter at the start

50. A lawyer has been representing a client in a personal injury action. The client has become increasingly difficult to work with — failing to provide information, missing appointments, and refusing to follow the

lawyer's reasonable advice on important matters. The matter is set for trial in eight months. The lawyer wishes to withdraw.

- A. The lawyer may withdraw under Rule 1.16(b) because the client's conduct has rendered the representation unreasonably difficult and the trial is far enough away that withdrawal will not materially prejudice the client
- B. The lawyer may not withdraw because the personal injury matter is far too complex to allow new counsel to prepare for the trial scheduled in eight months from the current point in time
- C. The lawyer may not withdraw because Rule 1.16 requires the client's express written consent to any withdrawal before the conclusion of a litigated matter being prosecuted by counsel
- D. The lawyer may not withdraw because Rule 1.16(b) limits permissive withdrawal to cases of nonpayment of fees rather than to cases involving difficult client conduct of any sort

51. A lawyer joined Firm X six months ago after working as a federal prosecutor for ten years. While at the federal office, the lawyer personally and substantially handled an investigation of Company Y. Firm X has now been asked to represent Company Y in a private securities class action related to the same conduct previously investigated by her.

- A. Firm X may not accept the representation under any circumstances because the lawyer's federal conflict is permanently imputed to all lawyers at the firm without any exception possible
- B. Firm X may accept the representation if all parties to the prior federal investigation give their informed consent confirmed in writing to the firm's representation of Company Y now
- C. Under Rule 1.11(b), Firm X may accept if the conflicted lawyer is timely screened, apportioned no part of the fee, and written notice is promptly given to the appropriate government agency
- D. Firm X may accept the representation only if the conflicted lawyer leaves the firm before the new client engagement begins on the matter in the securities class action defense

52. A lawyer's engagement letter with a corporate client contains a prospective waiver of future conflicts. The waiver provides general consent for the lawyer to represent other clients in unspecified future matters that may become adverse to the current client. The current client is a sophisticated entity with in-house counsel that reviewed and approved the engagement letter.

- A. Prospective waivers are categorically prohibited by Rule 1.7 because future conflicts are inherently unknowable at the time of waiver execution between the client and the lawyer

B. Prospective waivers are permissible only if the waiver lists every specific possible adversary that could arise in any conceivable future matter facing the lawyer's practice in the future

C. Prospective waivers are permissible only if the future conflict involves only matters of minimal substantive importance to the original consenting client during the term of the agreement

D. Prospective waivers may be permissible under Rule 1.7 if the client reasonably understands the material risks the waiver entails, with sophisticated in-house-counseled clients more likely to provide valid consent

53. A lawyer practicing in state court learns that the trial judge presiding over an active case is accepting personal cash payments from a litigant in a separate matter pending before the same judge. The lawyer has reliable evidence of the conduct. The misconduct raises a substantial question about the judge's fitness for office.

A. The lawyer should report the misconduct only if she is personally involved in the matter in which the bribery is occurring at the time of the discovery

B. Under Rule 8.3(b), a lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority

C. The lawyer should report the misconduct only after she has formally withdrawn from any active matter pending before that judge in the local courts of the jurisdiction

D. The lawyer should report the misconduct only if she can demonstrate that the judge's bribery has actually affected the outcome of a specific matter she is involved in personally

54. A lawyer is presenting her case at trial. During a recess, the lawyer encounters the trial judge in the courthouse hallway. The lawyer takes the opportunity to briefly explain why she believes the court should grant her pending motion. The judge listens and then walks away without responding to any of the comments offered by the lawyer.

A. The lawyer's communication violates Rule 3.5(b), which prohibits *ex parte* communications with a judge concerning a pending matter unless authorized by law or court order

B. The lawyer's communication is permissible because incidental encounters between counsel and the bench during trial recesses are routine and not subject to *ex parte* rules under the Rules

C. The lawyer's communication is permissible provided that the judge does not actually rule on the motion based on the substance of the hallway communication afterward in the case

D. The lawyer's communication is permissible because the communication did not extend the lawyer's substantive argument beyond what was already filed in writing with the court

55. A trial judge owns 100 shares of stock in a publicly traded national corporation, valued at approximately \$5,000. The corporation is named as a defendant in a class action lawsuit assigned to the judge. The shares represent a tiny fraction of the corporation's outstanding stock but constitute a direct equity interest of the judge in the named party.

A. The judge need not disqualify because \$5,000 is a de minimis economic interest under any reasonable interpretation of judicial conduct rules in this kind of stock-ownership setting

B. The judge need not disqualify if she discloses the stock ownership to the parties at the next status conference and offers them an opportunity to consent on the record

C. Under most interpretations of Rule 2.11 and the federal disqualification statute, direct stock ownership in a party — even of a small amount — constitutes an economic interest requiring disqualification

D. The judge need not disqualify if she places the stock in a blind trust within thirty days of the case being assigned to her courtroom for ongoing administration during the proceeding

56. A state trial judge inherits a small family-owned manufacturing business from her late father. The business is closely held and the judge becomes one of three family members serving on the board of directors. She manages no day-to-day operations and the business is not currently a litigant in any matter at all.

A. The judge must immediately resign from the board of directors and divest all interest in the family business to comply with judicial conduct restrictions on business activity by the bench

B. The judge may serve on the board only if she discloses her board service annually on her required public financial disclosure form and recuses from any matters involving the business

C. The judge may serve on the board only if she first obtains advance written approval from the state's judicial conduct commission before any board meeting attendance occurs at all

D. Rule 3.11(B) of the Model Code generally permits a judge to manage or participate in a business closely held by the judge or members of the judge's family, subject to the Code's restrictions

57. A practicing lawyer is running for election to a state appellate court. During a campaign appearance, the lawyer makes statements promising specific outcomes she would reach if elected, including pledging to "always rule in favor of property owners" in zoning appeals that come before the court.

- A. The lawyer's statements are permissible because lawyers running for judicial office have full First Amendment protection to discuss any aspect of how they would handle cases of any kind
- B. The lawyer's statements violate Rule 4.1(A) of the Code of Judicial Conduct, which prohibits judicial candidates from making pledges or promises that are inconsistent with the impartial performance of adjudicative duties
- C. The lawyer's statements are permissible because the candidate has not yet been elected and is therefore not yet subject to the Code of Judicial Conduct's restrictions on her conduct
- D. The lawyer's statements are permissible because zoning appeals are governed by statute and the lawyer's preference for property owners would not change the applicable legal standards in the matter

58. A state trial judge writes a series of articles for a local newspaper expressing her general views on the legal system, the practice of law, and judicial administration. The articles are thoughtful commentary on broad issues of legal policy and do not comment on any specific pending case or any particular litigant in the courts.

- A. The judge's articles are generally permitted under Rule 3.1 of the Model Code, which permits a judge to engage in extrajudicial activities, including speaking and writing on legal subjects, subject to certain conditions
- B. The judge's articles violate the Code of Judicial Conduct because judges are categorically prohibited from any extrajudicial public commentary about the legal system or its workings in any forum
- C. The judge's articles violate the Code of Judicial Conduct unless the judge first obtains advance written approval from her chief judge before publication of each separate article in the newspaper
- D. The judge's articles are permissible only if the newspaper agrees not to identify the author as a sitting state judge in the byline of any published commentary by the judge

59. A lawyer is admitted to practice only in State A. She accepts a position as in-house counsel for a corporation headquartered in State B. The lawyer's work consists entirely of providing legal advice to her corporate employer regarding the corporation's business and operations. She does not appear in any State B court at any time.

- A. The lawyer's practice as in-house counsel in State B constitutes the unauthorized practice of law because she is not admitted to State B's bar by any recognized pathway

B. The lawyer's practice is permissible only if her corporate employer first obtains pro hac vice admission for her on every individual State B legal matter she handles during her tenure

C. Under Rule 5.5(d)(1), a lawyer admitted in another U.S. jurisdiction may provide legal services to her employer or its organizational affiliates in a state where she is not admitted, subject to registration requirements

D. The lawyer's practice is permissible only if she limits her work to matters governed by State A law rather than State B law during her State B employment with the company

60. A lawyer is admitted to practice in States A, B, and C. While representing a client in State C, the lawyer engages in conduct that violates State C's rules of professional conduct. State C's disciplinary authority imposes a six-month suspension on the lawyer. State A then initiates a reciprocal discipline proceeding against her.

A. State A has no authority to discipline the lawyer because the underlying conduct occurred in State C and is governed solely by State C's rules of professional conduct in that jurisdiction

B. State A may discipline the lawyer only if the conduct also violated State A's rules of professional conduct as they would apply in identical circumstances under State A jurisdiction at the time

C. State A may discipline the lawyer but may not impose any sanction more severe than the original sanction imposed by State C's disciplinary authority in the matter at hand

D. Under Rule 8.5(a), the lawyer is subject to the disciplinary authority of every jurisdiction in which she is admitted, and State A may impose reciprocal discipline based on the State C sanction

ANSWER KEY – PRACTICE EXAM 12 (MPRE)

1. C — Rule 8.1(a) prohibits an applicant for admission from knowingly making a false statement of material fact, and from failing to disclose a fact necessary to correct a misapprehension. Prior disciplinary history is material to a bar admission review, and the "private" nature of a reprimand does not exempt the conduct from disclosure when expressly requested. The omission is itself a sanctionable misstatement.

2. B — Rule 1.2(a) reserves to the client the decision whether to settle a civil matter. The lawyer's contrary view of the case's value does not displace the client's authority over that decision. Counsel must implement the client's choice to accept the offered settlement.

3. D — Rule 1.4 requires keeping the client reasonably informed about the status of the matter and promptly complying with reasonable requests for information. Material developments such as opposing motions affecting the client's position fall squarely within that duty. Concealing months of substantive developments deprives the client of the ability to make informed decisions.

4. A — Rule 1.1 requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. A lawyer may take on unfamiliar matters only by reasonable study or by associating with a competent practitioner. Reliance on the client relationship to bridge the competence gap, without either pathway, violates the rule.

5. B — Comment [5] to Rule 1.6 recognizes that a lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation. Disclosures reasonably necessary to advance the client's settlement goals fall within that implied authority. Routine negotiation disclosures do not require client pre-clearance of each individual statement.

6. D — Rule 1.6(b)(5) permits a lawyer to reveal information relating to the representation to the extent reasonably necessary to establish a claim or defense in a controversy between the lawyer and the client, including a malpractice action. The self-defense exception is among the established carve-outs and does not require client consent. Prior court approval is not the operative mechanism.

7. C — Comment [11] to Rule 1.7 explains that close family relationships between lawyers on opposite sides of a matter can create a personal-interest conflict requiring the client's informed consent, but the spouse's firm conflicts are generally not imputed to the other spouse under Rule 1.10. The spousal relationship requires disclosure and consent, not automatic withdrawal. Rule 1.10's imputation rules are firm-specific, not relationship-specific.

8. A — Rule 1.9(a) bars a lawyer from representing another person in a matter substantially related to one in which she previously represented a client where the new representation is materially adverse, absent informed written consent. Detailed exposure to the corporation's financial records over eight years creates the requisite substantial relationship with a financial-condition claim. Without consent, the new representation is barred.

9. D — Rule 1.11(a) prohibits a former government lawyer from representing a private client in a matter in which she participated personally and substantially as a public officer, unless the appropriate agency gives informed written consent. The closure of the investigation without enforcement does not lift the disqualification, because the underlying matter involves the same conduct. Personal assurances by the lawyer do not substitute for agency consent.

10. B — Most jurisdictions interpret the insurance defense relationship as creating an attorney-client relationship at minimum with the insured, even when the carrier directs and pays for the defense. When carrier instructions expose the insured to excess liability, the lawyer must consider and protect the insured's interests under Rules 1.7 and 1.8(f). Blind deference to the carrier compromises that primary duty.

11. A — Rule 1.8(g) prohibits a lawyer who represents two or more clients from participating in an aggregate settlement unless each client gives informed consent in a signed writing, including disclosure of all claims and the share each will receive. The lawyer's own view of fairness is not a substitute for individual signed informed consent from each plaintiff. The protection is procedural and non-waivable by aggregate vote.

12. C — Rule 1.8(a) requires four cumulative safeguards before a business transaction between lawyer and current client: terms fair and reasonable and fully disclosed in writing, written advice to seek independent counsel, a reasonable opportunity to do so, and informed consent in a signed writing. Fair market value and client initiation do not eliminate any of those requirements. All four protections must be satisfied before the lawyer invests.

13. B — Rule 8.4(g) makes it professional misconduct for a lawyer to engage in conduct related to the practice of law that the lawyer knows or reasonably should know is harassment or discrimination on the basis of sex. Comment [4] confirms that conduct related to the practice of law includes firm-sponsored social activities. The violation does not depend on an external grievance filing.

14. D — Rule 1.12(a) bars representation only in a matter in which the lawyer participated personally and substantially as a third-party neutral. The rule reaches the same matter, not every later unrelated matter involving prior mediation parties. Where the new matter is unrelated and against an unrelated third party, no Rule 1.12 prohibition arises.

15. A — Rule 3.4(b) prohibits a lawyer from falsifying evidence or counseling or assisting another person to do so. Tampering with the metadata of a client document to alter its apparent sending date is paradigmatic evidence falsification. The lawyer's refusal is required, not discretionary, and no client authorization can validate the act.

16. C — Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in representing a client. Allowing a known statute of limitations to expire and barring the client's claim is a textbook diligence violation. Disciplinary exposure for neglect is independent of any malpractice remedy the client may pursue civilly.

17. D — Rule 3.4(e) prohibits a lawyer at trial from stating a personal opinion as to the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused. Telling the jury "I personally believe" a client is truthful and an opposing witness is lying violates the rule. Closing argument latitude does not extend to personal vouching.

18. B — Rule 4.2 prohibits a lawyer from communicating about the subject of the representation with a person the lawyer knows to be represented by another lawyer, unless the other lawyer consents or the law authorizes the communication. The rule is not waived by the represented party's unilateral initiation of contact. Counsel must redirect the party to her own attorney.

19. A — Rule 5.3 requires a lawyer with direct supervisory authority over a nonlawyer to make reasonable efforts to ensure the nonlawyer's conduct is compatible with the lawyer's professional obligations. Allowing the paralegal to quote fees and predict case outcomes both fails that supervisory duty and may aid unauthorized practice under Rule 5.5. Awareness without correction is itself the violation.

20. C — Rule 1.18(c) prohibits a lawyer from representing a client with interests materially adverse to a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful. Detailed factual and strategic disclosures during a consultation typically qualify as significantly harmful. The bar applies even though no engagement was formed.

21. B — Rule 5.1(a) requires partners and lawyers with comparable managerial authority to make reasonable efforts to ensure the firm has in effect measures giving reasonable assurance that all lawyers conform to the Rules. Absence of conflict-checking, trust accounting, or supervisory systems is a paradigm Rule 5.1(a) failure. Past good luck does not satisfy the duty to put proactive measures in place.

22. D — Rule 7.3 generally prohibits a lawyer from soliciting professional employment by live person-to-person contact when significant motive is the lawyer's pecuniary gain, except in limited categories such as other lawyers or persons with whom the lawyer has a family, close personal, or prior professional relationship. Hospital-lobby solicitation of accident victims fits none of the exceptions. Public availability of the targets does not authorize live in-person solicitation.

23. A — Comment [7] to Rule 4.2 makes clear that consent of the organization's lawyer is not required for communication with a former constituent of the organization. The lawyer may contact the former HR director directly. Separate constraints against inducing breach of privilege still apply, but no Rule 4.2 bar attaches.

24. C — Rule 1.8(b) prohibits a lawyer from using information relating to representation of a client to the disadvantage of the client unless the client gives informed consent. Trading on material nonpublic merger information learned through the representation both disadvantages the client and exploits the relationship. Separate insider-trading liability under federal securities law typically attaches as well.

25. A — Rule 6.2 directs that a lawyer shall not seek to avoid an appointment by a tribunal except for good cause, defined to include circumstances such as a violation of the Rules, an unreasonable financial burden, or a repugnance so strong it would impair the lawyer-client relationship. Reputational worry or distaste for the client's alleged conduct typically does not meet that bar. The lawyer must accept the appointment.

26. D — Rule 8.4(b) makes it professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer. Theft, even at a small dollar value and outside the practice context, reflects directly on honesty. Payment of the fine resolves the criminal sentence but not the disciplinary exposure.

27. C — Rule 1.13(b) requires a lawyer representing an organization who knows that an officer is engaged in action likely to result in substantial injury to the organization to proceed as reasonably necessary in the best interest of the organization, ordinarily by referring the matter to higher authority within the entity. The duty runs to the organization itself, not to any individual constituent. Immediate external action is not the first step under the rule.

28. B — The duty of confidentiality under Rule 1.6 survives the death of the client, and Rule 1.9(c) similarly extends protections beyond termination of the representation. A lawyer may not disclose information relating to the representation to a journalist absent consent or an applicable exception. The death of the client does not lift the protection.

29. D — Rule 6.1 expresses an aspirational professional responsibility that every lawyer should aspire to render at least 50 hours of pro bono publico services annually. The rule is not enforced through discipline for nonperformance. Absence of pro bono work and equivalent giving is not a sanctionable violation.

30. A — Rule 1.13(f) requires the organization's lawyer, in dealing with constituents whose interests are or may be adverse to the organization's, to explain that the lawyer represents the organization rather than the individual when the lawyer knows or reasonably should know that interests may be adverse. Any subsequent joint representation must also satisfy Rule 1.7. The role clarification is the necessary first step.

31. B — Rule 1.7(a)(2) creates a conflict where there is a significant risk that representation of a client will be materially limited by the lawyer's own financial interests. The prospect of a lucrative future retention from the adversary directly during the matter creates exactly that risk. Disclosure and informed consent are required; silent acceptance is impermissible.

32. C — Rule 3.4(b) prohibits offering an inducement to a witness that is prohibited by law, and contingent expert fees are widely prohibited because they create a financial incentive for the expert to shape testimony. Reasonable hourly or flat compensation is permitted, but outcome-tied payments are not. Court disclosure does not cure the underlying prohibition.

33. A — Rule 1.1 requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. Comment [2] permits a lawyer to attain competence through reasonable preparation or by associating with a lawyer of established competence in the field. Without one of these pathways or a referral, accepting a complex unfamiliar matter risks violating the rule.

34. B — Rule 1.15(a) requires lawyers to hold client property separate from the lawyer's own, and unauthorized use of client trust funds — however brief and however carefully tracked — is misappropriation. No-loss outcomes and meticulous bookkeeping do not cure the unauthorized use. The rule's protection is prophylactic and strict.

35. D — Rule 1.2(c) permits a lawyer to limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. Drafting only, with the client appearing pro se in modest court proceedings, is a recognized form of unbundled service. A signed informed consent satisfies the rule absent special jurisdictional requirements.

36. C — Rule 3.4(e) prohibits a lawyer at trial from asserting personal knowledge of facts in issue except when testifying as a witness. Telling a jury "I personally know the witness is lying" based on the lawyer's own outside investigation is a paradigmatic violation. Vigorous cross-examination does not authorize injecting unsworn personal testimony.

37. A — Rule 1.5(e) permits division of fees between lawyers not in the same firm only if the division is proportional or each lawyer assumes joint responsibility, the client agrees to the arrangement in a writing that discloses the share each lawyer will receive, and the total fee is reasonable. Failure to obtain the client's written agreement on each lawyer's share violates the rule. Joint responsibility alone does not satisfy the disclosure requirement.

38. B — Rule 1.9(a) prohibits a lawyer from representing another person in a matter substantially related to one in which she previously represented a former client where interests are materially adverse, absent informed written consent. Tax planning and environmental enforcement on unrelated facts typically lack the substantial relationship required to trigger the rule. The lawyer may generally proceed without former-client consent.

39. D — Rule 3.7(a)(2) permits a lawyer to act as advocate at a trial in which she will be a necessary witness when the testimony relates to the nature and value of legal services rendered in the case. The exception is one of the limited carve-outs to the general advocate-witness prohibition. Testimony confined to legal-services valuation triggers the safe harbor.

40. C — Rule 1.8(h)(2) prohibits a lawyer from settling a claim or potential claim for the lawyer's liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking independent counsel and given a reasonable opportunity to do so. The protection exists because such settlements involve obvious conflict between lawyer and former client. Court approval is not the operative mechanism.

41. A — Rule 1.8(i) generally bars a lawyer from acquiring a proprietary interest in the cause of action or subject matter of litigation, but expressly excepts liens authorized by law to secure the lawyer's fee or expenses, and reasonable contingent fees in civil cases. Statutory attorney's liens fit squarely in the carved-out exception. The fee-securing lien is therefore permissible.

42. B — Joint representation of buyer and seller in the same transaction is permitted under Rule 1.7(b) only if the lawyer reasonably believes she can provide competent representation to each, the representation is not prohibited by law, and each client gives informed consent confirmed in writing after explanation of risks. "Just putting the deal on paper" still requires the full Rule 1.7(b) treatment. A neutral-scrivener framing does not eliminate the conflict procedure.

43. D — Lawyers receiving evidently stolen privileged materials from a third party must follow Rule 4.4(b) and applicable ethics opinions, which generally direct them not to review beyond what is necessary to determine the materials' status, promptly notify the sender or affected counsel, and often the court. Active use of plainly stolen privileged work product exposes the lawyer to disqualification and discipline. Concealing the source while quoting the materials does not cure the violation.

44. A — Rule 3.3(b) requires a lawyer who comes to know that a person, including the client, has engaged in criminal or fraudulent conduct related to the proceeding to take reasonable remedial measures, including, if necessary, disclosure to the tribunal. Rule 3.3(c) provides that these duties apply even if compliance requires disclosure of information otherwise protected by Rule 1.6. Confidentiality does not override candor in the adjudicative process.

45. B — Rule 3.3(a)(2) requires disclosure of legal authority in the controlling jurisdiction known to be directly adverse to the client's position and not disclosed by opposing counsel. The rule reaches binding controlling authority, not every adverse decision the lawyer knows about. Unpublished, non-binding trial court rulings ordinarily do not trigger the mandatory-disclosure duty.

46. C — Rule 1.5(d)(2) prohibits a lawyer from charging or collecting a contingent fee for representing a defendant in a criminal case. The categorical bar is grounded in concerns about misaligned incentives and the integrity of the criminal process. Client willingness, fairness in the circumstances, and a signed writing do not validate the prohibited fee structure.

47. A — Rule 1.15 requires the lawyer to promptly notify the client of receipt of funds, promptly deliver any funds the client is entitled to receive, and account for them. The lawyer may withdraw undisputed

earned fees from trust without delay once those steps occur. Holding indefinitely or depositing into the operating account would itself violate the rule.

48. D — Rule 7.3 permits written, recorded, or electronic communications, including individually targeted ones, that are properly labeled as advertising material and not coercive or harassing. Targeted advertising to known potential clients in the wake of a public event remains permitted under the rule, in contrast to live in-person solicitation. Public-records sourcing of contact information does not invalidate compliant written or electronic outreach.

49. B — Rule 1.12(a) prohibits a lawyer from representing anyone in a matter in which the lawyer participated personally and substantially as a third-party neutral, unless all parties to the proceeding give informed consent confirmed in writing. The failure of the mediation does not extinguish the disqualification when the new representation is in the same underlying dispute. Screening does not substitute for the required all-party consent.

50. A — Rule 1.16(b) authorizes permissive withdrawal when the client makes the representation unreasonably difficult, persists in conduct with which the lawyer fundamentally disagrees, or for other good cause. An eight-month runway before trial typically allows the client to retain successor counsel without material prejudice. The trial-not-imminent posture supports the lawyer's withdrawal under the rule.

51. C — Rule 1.11(b) provides that when a former government lawyer is personally disqualified under Rule 1.11(a), the firm may nevertheless undertake the representation if the disqualified lawyer is timely screened from any participation, apportioned no part of the fee from the matter, and written notice is promptly given to the appropriate government agency. The screening pathway is the recognized cure for what would otherwise be firm-wide imputed disqualification. Departure of the lawyer is not the only remedy.

52. D — Comment [22] to Rule 1.7 explains that the effectiveness of a prospective conflict waiver turns largely on whether the client reasonably understands the material risks the waiver entails, and that experienced or independently advised clients are more likely to provide effective consent. Such waivers are not categorically prohibited, but their validity depends on the quality of the disclosure and the client's sophistication. Sophisticated in-house counsel review is a recognized supporting factor.

53. B — Rule 8.3(b) requires a lawyer who knows that a judge has committed a violation of the rules of judicial conduct raising a substantial question as to the judge's fitness for office to inform the appropriate authority. Bribery falls plainly within fitness-implicating misconduct. The duty does not depend on the lawyer's own involvement in the affected matters.

54. A — Rule 3.5(b) prohibits a lawyer from communicating ex parte with a judge during the proceeding concerning the merits of a pending matter unless authorized by law or court order. A hallway pitch on a pending motion during a trial recess is exactly that type of prohibited communication. The judge's lack of response does not cure the violation.

55. C — Federal recusal law and most state interpretations of Rule 2.11 treat direct stock ownership in a party as an economic interest requiring disqualification, regardless of the size of the interest or its

fractional share of the company. The bright-line rule reflects concerns about the appearance and reality of impartiality. Disclosure or consent procedures do not generally cure a direct-stock-in-party situation.

56. D — Rule 3.11(B) of the Model Code generally prohibits judges from serving as officers, directors, managers, or active participants in for-profit business entities, with a limited exception for a business closely held by the judge or members of the judge's family. The inherited closely-held family business fits the exception. Routine restrictions on case-related conflicts and impartiality continue to apply.

57. B — Rule 4.1(A) of the Code of Judicial Conduct prohibits a judicial candidate from making pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office. A categorical promise to always rule for one class of litigants in a category of cases prejudices the adjudicative function. The candidate's pre-election status does not exempt the conduct from judicial-conduct restrictions on candidates.

58. A — Rule 3.1 of the Model Code permits a judge to engage in extrajudicial activities, including speaking and writing on legal subjects and other matters of public concern, except as otherwise prohibited. General commentary on the legal system and judicial administration falls within the permitted scope. Advance approval and forced anonymity are not Code requirements.

59. C — Rule 5.5(d)(1) permits a lawyer admitted in another U.S. jurisdiction to provide legal services to the lawyer's employer or its organizational affiliates in a jurisdiction where the lawyer is not admitted, subject to applicable in-house registration requirements. The in-house carve-out is specifically designed for this situation. Pro hac vice is not required when there are no court appearances.

60. D — Rule 8.5(a) provides that a lawyer admitted to practice in a jurisdiction is subject to the disciplinary authority of that jurisdiction regardless of where the conduct occurs. Reciprocal discipline based on another jurisdiction's sanction is an established mechanism. Sister-state findings can support proportionate discipline in any other state of admission.