

PRACTICE EXAM 20: MPRE SIMULATION

Time Allotted: 2 hours

Format: Comparative Two-Scenario. Each question presents Scenario A and Scenario B that differ in one key fact or framing. Determine whether the lawyer is subject to discipline in each scenario, then select the answer choice that correctly characterizes both outcomes.

Answer key (applies to every question):

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

1.

Scenario A: Lawyer represents Plaintiff in a civil suit against Defendant. Lawyer's firm simultaneously represents Defendant in an unrelated tax matter. Lawyer does not seek informed consent from either client.

Scenario B: Lawyer represents Plaintiff in a suit against Defendant. Lawyer's spouse is the CEO of Defendant. Lawyer does not disclose the spousal connection to Plaintiff or obtain Plaintiff's informed consent.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B

D. No in Scenario A; No in Scenario B

2.

Scenario A: Lawyer at trial knowingly elicits false testimony from her own client on a material issue and takes no remedial action when the falsity is established mid-trial.

Scenario B: Lawyer at trial calls a witness who unexpectedly testifies inconsistently with a prior statement on a peripheral issue. Lawyer was unaware of the inconsistency at the time and has no current basis to believe the testimony is materially false.

Is the lawyer subject to discipline in each scenario?

A. Yes in Scenario A; Yes in Scenario B

B. Yes in Scenario A; No in Scenario B

C. No in Scenario A; Yes in Scenario B

D. No in Scenario A; No in Scenario B

3.

Scenario A: Lawyer charges Client an hourly rate of \$400 for routine business advice. The fee is reasonable for the market and the lawyer's experience. The client signs a written engagement letter setting the rate.

Scenario B: Lawyer represents Client on a 33% contingent fee basis for a personal injury claim. The agreement is in writing, signed by the client, and discloses the method of calculation including any deductions from the recovery.

Is the lawyer subject to discipline in each scenario?

A. Yes in Scenario A; Yes in Scenario B

B. Yes in Scenario A; No in Scenario B

C. No in Scenario A; Yes in Scenario B

D. No in Scenario A; No in Scenario B

4.

Scenario A: Lawyer learns confidential information from Client about Client's prior tax fraud that is now well beyond the statute of limitations. Lawyer maintains confidentiality and does not disclose to any third party.

Scenario B: Lawyer learns confidential information from Client about Client's investments. At a cocktail party, Lawyer discusses the investment details with friends without identifying the client by name. The client has not authorized any disclosure.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

5.

Scenario A: Lawyer represents Client in a divorce. After the divorce concludes, Client's ex-spouse asks Lawyer to represent her in a wholly unrelated tort claim against a third party. Lawyer accepts after disclosing the prior representation.

Scenario B: Lawyer represents Client in a divorce. After the divorce concludes, Client's ex-spouse asks Lawyer to represent her in a post-decree custody dispute against Lawyer's former client. Lawyer accepts without obtaining the former client's informed consent.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

6.

Scenario A: Lawyer admitted in State A serves as in-house counsel for a corporation headquartered in State B, providing legal services only to that corporate employer. Lawyer never appears in State B courts and does not seek State B admission.

Scenario B: Lawyer admitted in State A travels to State B for two days to advise a State A client on a contract negotiation that involves only State A law. Lawyer does not establish any office in State B.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

7.

Scenario A: Lawyer with no bankruptcy experience accepts a complex bankruptcy matter and makes no plan to acquire competence. Lawyer does not associate with experienced counsel or undertake substantial study, and Lawyer makes basic procedural errors that harm the client.

Scenario B: Lawyer with no bankruptcy experience accepts a complex bankruptcy matter but enrolls in CLE programs on bankruptcy, reviews several treatises, and associates with an experienced bankruptcy attorney for guidance. Lawyer's work product meets the standard of care.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

8.

Scenario A: Lawyer's website states: "I have the highest success rate of any personal injury attorney in this state." The claim is not factually supported and cannot be objectively verified through any independent measure.

Scenario B: Lawyer's website states: "I have over 20 years of experience handling personal injury cases and have recovered substantial settlements for many clients." Both factual claims are accurate and verifiable.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

9.

Scenario A: Lawyer represents Client in a contract dispute. Client tells Lawyer she wants to settle for \$25,000. Lawyer believes the case is worth \$100,000 but conveys Client's authorization to opposing counsel exactly as instructed.

Scenario B: Lawyer represents Client in a contract dispute. Client tells Lawyer she wants to settle for \$25,000. Lawyer believes the case is worth \$100,000 and refuses to convey the settlement authorization to opposing counsel.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

10.

Scenario A: Lawyer files a complaint asserting claims known to be barred by the statute of limitations, with no good-faith argument for extending the law or changing the rule.

Scenario B: Lawyer files a complaint asserting claims for which Lawyer has performed no investigation and the client has been unable to provide any supporting evidence whatsoever.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

11.

Scenario A: Lawyer represents two co-defendants in a criminal trial. Their interests are clearly adverse because each is likely to blame the other for the offense. Lawyer proceeds without informed consent confirmed in writing from either.

Scenario B: Lawyer represents two co-defendants in a minor traffic citation matter where both are jointly facing the same parking ticket. Their interests are fully aligned, and Lawyer obtains informed consent confirmed in writing from both.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

12.

Scenario A: Lawyer receives a \$50,000 advance fee from Client. Lawyer deposits the funds in the firm's client trust account and withdraws portions only as earned, maintaining proper records throughout.

Scenario B: Lawyer receives a \$50,000 advance fee from Client. Lawyer deposits the funds directly in the firm's operating account and uses them for general office expenses, intending to bill against the retainer at the end of the month.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

13.

Scenario A: Lawyer serves as a prosecutor. Lawyer learns that the prosecution's case rests on a confession that may have been coerced in a manner that destroys probable cause. Lawyer continues with the prosecution without addressing the issue or disclosing it to defense counsel.

Scenario B: Lawyer serves as a prosecutor. Lawyer learns that one defense witness has minor credibility issues that go to weight rather than to negating the defendant's guilt. Lawyer proceeds with the prosecution and addresses the credibility issues during cross-examination at trial.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

14.

Scenario A: Judge accepts a commemorative pen valued at \$20 from the local bar association at a public CLE event. The bar association has no pending matter before Judge's court at the time of the event.

Scenario B: Judge attends a memorial service for a deceased family friend. Several lawyers who occasionally appear before Judge are present. Judge speaks briefly with them about non-legal personal matters only.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

15.

Scenario A: Lawyer accepts a new client matter. Lawyer never communicates a fee arrangement to the client and bills the client at hourly rates the client did not know about until receiving the first invoice three months later.

Scenario B: Lawyer accepts a new contingent-fee personal injury matter. The fee arrangement is communicated orally and Lawyer takes a 30% contingent fee without ever reducing the agreement to a writing signed by the client.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

16.

Scenario A: Lawyer is approached by Prospective Client. They consult about a possible lawsuit. Prospective Client shares significantly harmful information about her case strategy and weaknesses. Lawyer declines representation. Three weeks later, Lawyer accepts representation of Prospective Client's adversary in the same matter, with no screening procedure.

Scenario B: Lawyer is approached by Prospective Client for a brief consultation. They discuss only generic background that does not reveal anything significantly harmful to her. Lawyer declines representation. Three weeks later, Lawyer accepts representation of Prospective Client's adversary in the same matter.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

17.

Scenario A: Lawyer at trial states during closing argument: "I personally know my client is telling the truth. I have worked with him for 20 years and I would stake my reputation on his honesty."

Scenario B: Lawyer at trial states during closing argument: "The evidence shows that my client gave a consistent account throughout — the same explanation to the police, to her physician, and on this witness stand."

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

18.

Scenario A: Lawyer represents Client in a criminal matter. Client tells Lawyer in confidence that Client is hiding from arrest in another state for a non-violent property offense. Lawyer maintains confidentiality, and Client has no plans to harm anyone in the future.

Scenario B: Lawyer represents Client in a contract matter. Client tells Lawyer in confidence about an unrelated personal financial dispute with a third party. Lawyer informs the third party of the dispute without Client's consent because Lawyer believes the third party should know.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

19.

Scenario A: Lawyer who has never handled an immigration matter accepts representation of an asylum applicant. Lawyer does not associate with experienced immigration counsel, does not undertake substantial study, and ultimately makes errors that result in denial of asylum.

Scenario B: Lawyer who is otherwise competent in family law fails to file an important motion within the statute of limitations because she neglected the file for two months. The motion is barred and the client's claim is lost.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

20.

Scenario A: Lawyer represents an insurance company. Lawyer contacts an unrepresented claimant directly and tells the claimant, "You don't need a lawyer — this is a simple matter and I will handle it fairly for both of us."

Scenario B: Lawyer represents Plaintiff. Lawyer contacts Defendant directly knowing that Defendant is represented by counsel, without first obtaining Defendant's counsel's consent or other authorization.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

21.

Scenario A: Lawyer represents Client in a complex commercial dispute. Lawyer reasonably believes Client may have early-stage diminished capacity. With Client's permission, Lawyer consults Client's adult children about ensuring protective measures are considered going forward.

Scenario B: Lawyer represents Client in a complex commercial dispute. Lawyer reasonably believes Client has become incapacitated due to advanced dementia. Lawyer takes no protective action and continues making significant case decisions without consulting any third parties or seeking guidance.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

22.

Scenario A: Lawyer accepts representation of a new client whose matter is directly adverse to a current client of Lawyer's firm. Lawyer does not seek informed consent from either client before proceeding.

Scenario B: Lawyer is asked by Client A to represent her in a matter that is materially adverse to former Client B in a substantially related matter. Lawyer accepts without seeking former Client B's informed consent confirmed in writing.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

23.

Scenario A: Lawyer publishes a blog post discussing a recent appellate decision in plain language, summarizing the holding and its implications for practitioners. The post contains no solicitation of specific business or misleading claims.

Scenario B: Lawyer sends targeted advertisements via email to local small business owners, offering general legal services. The emails are labeled "Advertising Material," contain no false statements, and do not involve coercion, duress, or harassment.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

24.

Scenario A: Lawyer learns mid-trial that an expert witness she called has knowingly given false testimony about a material issue. The judge has not noticed the falsity. Lawyer takes no remedial action and allows the testimony to stand for the jury.

Scenario B: Lawyer at trial introduces an exhibit that Lawyer knows was forged by her own client. When the forgery is exposed by opposing counsel, Lawyer takes no further remedial action and continues using the exhibit in argument.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

25.

Scenario A: Lawyer is suspended for 60 days for an ethics violation. During the suspension period, Lawyer continues to draft pleadings for paying clients and bills them through her firm's account.

Scenario B: Lawyer is admitted only in State A but maintains a permanent office in State B and regularly handles State B real estate transactions for State B clients, without seeking State B admission of any kind.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

26.

Scenario A: Lawyer accepts a voluntary \$5,000 cash gift from Client at the conclusion of a successful matter. The gift was unsolicited by Lawyer, and Client offered it on her own initiative as appreciation.

Scenario B: Lawyer asks Client to leave Lawyer a substantial bequest of \$50,000 in Client's will and then prepares the will Lawyer suggested. Client is not related to Lawyer.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

27.

Scenario A: Lawyer represents Client in a divorce. Lawyer discusses Client's confidential financial information with Lawyer's own spouse over dinner, without Client's authorization, simply because Lawyer wanted to vent about the case.

Scenario B: Lawyer represents Client in a divorce. Lawyer discusses Client's confidential financial information with Lawyer's paralegal, who is assisting Lawyer prepare discovery responses for the same matter.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

28.

Scenario A: Lawyer accepts representation of Client. Without explaining the implications of joint representation or obtaining informed consent, Lawyer also begins representing Client's business partner in the same buy-sell agreement matter.

Scenario B: Lawyer accepts representation of Client. After explaining the joint-representation implications and receiving informed consent confirmed in writing from each, Lawyer also represents Client's business partner in the same buy-sell agreement. Lawyer reasonably believes she can competently represent both.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

29.

Scenario A: Lawyer serves as a mediator between Buyer and Seller in a real estate dispute. After mediation fails, Lawyer represents Seller in litigation against Buyer over the same dispute. Lawyer does not obtain Buyer's informed consent confirmed in writing.

Scenario B: Lawyer served as a judicial law clerk on a case involving ABC Corp. Two years later, Lawyer's new private firm represents a defendant in the same case. Lawyer is not screened from the matter and the firm provides no notice to the prior court.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

30.

Scenario A: Lawyer uses new AI-assisted legal research tools that she has thoroughly evaluated for security and accuracy. Lawyer applies independent professional judgment to all AI output and verifies every citation before relying on it.

Scenario B: Lawyer uses new AI-assisted legal research tools but never evaluates the security of how client information is stored on third-party servers and never reviews the AI output for accuracy. The AI hallucinates a citation that Lawyer files in court.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

31.

Scenario A: Lawyer at trial vigorously cross-examines an opposing witness using leading questions to expose inconsistencies. Lawyer's tone is professional and the questions are anchored to evidence in the record.

Scenario B: Lawyer at trial objects to a series of opposing counsel's questions, citing specific evidentiary grounds for each objection. Lawyer's objections are made in a measured and respectful manner.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

32.

Scenario A: Lawyer receives a settlement check payable to Client. Lawyer deposits the check into Lawyer's personal checking account intending to send the funds to Client the next day. Lawyer in fact sends the funds the next day.

Scenario B: Lawyer receives a settlement check payable to Client. Lawyer deposits the check into the firm's client trust account, promptly notifies Client, and disburses the funds to Client within two days, retaining a documented fee portion in trust pending billing review.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

33.

Scenario A: Lawyer represents Organization. Lawyer separately represents Organization's CFO in a personal matter. The CFO is now under internal investigation for financial irregularities. Lawyer does not obtain informed consent for the dual representation.

Scenario B: Lawyer represents Organization. Lawyer separately represents Organization's outside accountant — not an employee or officer — in an unrelated personal tort claim. The two matters are wholly unrelated and present no current adversity.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

34.

Scenario A: Lawyer represents Client in negotiating a commercial lease. Client requests that Lawyer also handle Client's separate child custody matter. Lawyer explains that she does not practice family law, declines the new matter, and refers Client to qualified family law counsel.

Scenario B: Lawyer represents Client in a commercial lease. Client requests that Lawyer also handle Client's separate child custody matter. Lawyer has no family law experience but accepts the new matter without associating with experienced counsel or undertaking significant study.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

35.

Scenario A: Lawyer represents Plaintiff. Lawyer contacts Defendant's outside counsel directly to discuss settlement, following standard professional practice and with full transparency.

Scenario B: Lawyer represents Plaintiff. Lawyer contacts Defendant directly to discuss settlement, knowing Defendant is represented by counsel, without first obtaining Defendant's counsel's consent.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

36.

Scenario A: Judge receives a \$5,000 cash gift from a lawyer who frequently appears before her court. The lawyer has a pending case before Judge at the time. Judge accepts the gift and does not disclose it to anyone.

Scenario B: Judge receives a \$100 commemorative pen at a public legal-education event from the local bar association. The bar association has no pending matter before Judge, and the gift is a standard token given to all speakers.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

37.

Scenario A: Lawyer is admitted only in State A. Lawyer attends a CLE conference in State B and answers a colleague's casual hypothetical about State B law at lunch in a non-billable, non-engagement setting.

Scenario B: Lawyer is admitted only in State A. Lawyer's existing State A client wants to negotiate a contract with a vendor in State B. Lawyer reviews the contract and provides advice to the State A client about how it interacts with State A law principles.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

38.

Scenario A: Lawyer is suffering from a serious mental health condition that materially impairs her ability to represent clients competently. Lawyer continues practicing rather than withdrawing or seeking help. Multiple client matters suffer documented prejudice as a result.

Scenario B: Lawyer takes on far more matters than she can competently handle. Lawyer misses deadlines, fails to respond to client communications, and produces substandard work product as a direct result of the workload she chose to accept.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

39.

Scenario A: Lawyer states on a business card that she practices "estate planning, probate, and trust administration." The descriptions are accurate reflections of her actual practice areas.

Scenario B: Lawyer's firm website includes a "FAQs" page that explains common legal concepts in plain language. The information is accurate and includes a clear disclaimer that the content is general information and not legal advice.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

40.

Scenario A: Lawyer represents Client. With Lawyer's reasonable belief that competent representation is possible and informed consent confirmed in writing from each affected client, Lawyer also represents Client's business partner in the same partnership formation matter.

Scenario B: Lawyer formerly represented Client in setting up Client's business. Years later, Lawyer represents a new client in a wholly unrelated tort matter against an entirely different party, with no connection to Client or the prior representation.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

41.

Scenario A: Lawyer takes on a matter. Six months in, Client and Lawyer have ongoing disputes about strategy and Client refuses to communicate further. With pending deadlines, Lawyer makes significant strategic decisions on the case without consulting Client and never explains them afterward.

Scenario B: Lawyer takes on a matter. After two months of regular communication, Lawyer falls silent — stops returning calls, emails, or messages from Client for six weeks. Client has urgent questions about a pending settlement offer during this period.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

42.

Scenario A: Lawyer formerly worked as an Assistant U.S. Attorney handling drug prosecutions. After leaving government, Lawyer joins a private firm and represents a client in a contract dispute wholly unrelated to any matter Lawyer handled while in government.

Scenario B: Lawyer formerly served as a court-appointed mediator in a divorce between Han and Ida. After the mediation, Lawyer represents Han's adult sister in a wholly unrelated probate matter that involves no party from the prior mediation.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

43.

Scenario A: Lawyer formerly represented Client in a real estate transaction. The representation ended cleanly five years ago. Lawyer now represents another party in a wholly unrelated criminal defense matter in which Client has no involvement.

Scenario B: Lawyer is asked to represent two co-buyers of a small business who have aligned interests. Lawyer reasonably believes she can competently represent each, the matter does not involve adverse litigation, and both buyers give informed consent confirmed in writing.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

44.

Scenario A: Lawyer at trial offers an exhibit Lawyer knows to be a forgery created by her own client. Lawyer takes no remedial action when she realizes the forgery during direct examination.

Scenario B: Lawyer in a deposition counsels her client to give intentionally evasive non-answers to questions Lawyer knows are properly directed at material facts relevant to the case.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

45.

Scenario A: Lawyer's firm advertises: "Voted the #1 personal injury firm by clients in our region." The "voting" was an unverifiable internal poll of personal friends and family members of the firm's lawyers.

Scenario B: Lawyer's firm advertises: "Recognized as a Super Lawyer in personal injury for five consecutive years by Thomson Reuters." The recognition is verifiable through publicly available Super Lawyers records.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

46.

Scenario A: Lawyer represents Client. Client has consented in writing to Lawyer discussing case details with Client's adult son, who is helping Client with strategy and emotional support. Lawyer discusses confidential information with the son as authorized.

Scenario B: Lawyer represents Client. A court orders Lawyer to disclose certain information after Lawyer has exhausted reasonable challenges to the order. Lawyer complies with the disclosure exactly as the court directed.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

47.

Scenario A: Lawyer's solo practice has become unmanageable. Lawyer routinely misses deadlines, drops the ball on filings, and fails to track key dates. Multiple clients have suffered documented prejudice as a direct result.

Scenario B: Lawyer accepts a complex tax matter knowing she has no tax law experience and lacks the time to acquire it. Lawyer does not associate with experienced counsel or undertake substantial study, and Lawyer makes errors that harm the client.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

48.

Scenario A: Lawyer formerly served as an Assistant District Attorney. Lawyer is now in private practice and represents a client in a civil tort action that has no connection whatsoever to any matter Lawyer handled while in government service.

Scenario B: Lawyer is a judge on the state appellate court. Lawyer's daughter is a partner at a law firm that appears before Lawyer's court. The daughter has no personal involvement in any matter before Lawyer, and Lawyer recuses from any matters specifically involving the daughter.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

49.

Scenario A: Lawyer who has competently handled real estate matters for fifteen years takes on a new commercial real estate matter and prepares thoroughly, applying standard professional methods and producing competent work.

Scenario B: Lawyer who has primarily handled traffic violations accepts a federal securities fraud defense matter. Lawyer does not associate with experienced securities counsel, does not undertake substantial study, and proceeds with minimal preparation throughout.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B

- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

50.

Scenario A: Lawyer receives \$30,000 in advance fees from Client and deposits the funds into Lawyer's personal money market account that pays interest. Lawyer plans to "earn" the fees and transfer them to her operating account later.

Scenario B: Lawyer receives a \$50,000 settlement check payable jointly to Lawyer and Client. Lawyer endorses the check, deposits it into Lawyer's operating account, and pays herself her fee immediately, without segregating any portion of Client's share in trust.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

51.

Scenario A: Lawyer represents Client in litigation. Client tells Lawyer she wants to accept the opposing party's \$50,000 settlement offer. Lawyer disagrees with Client's decision and refuses to communicate Client's acceptance to opposing counsel, unilaterally rejecting the offer instead.

Scenario B: Lawyer represents Client in litigation. Client instructs Lawyer to file a particular motion. Lawyer reasonably believes the motion is strategically unwise but determines it has a non-frivolous basis. Lawyer explains her view, Client insists, and Lawyer files the motion as Client directs.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B

- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

52.

Scenario A: Lawyer learns that another lawyer at her firm has been routinely lying to clients about case status and filing dates. The misconduct raises a substantial question about the other lawyer's honesty. Lawyer does not report to any disciplinary authority.

Scenario B: Lawyer overhears two lawyers at a CLE event discussing a possible disagreement they had with a third lawyer about billing practices. The information Lawyer overhears is too vague to constitute knowledge of any specific misconduct, and Lawyer does not report.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

53.

Scenario A: Lawyer represents Client. Client tells Lawyer in confidence that Client is about to commit a violent assault on a third party. Lawyer reasonably believes the threat is imminent and discloses to authorities to prevent reasonably certain death or substantial bodily harm.

Scenario B: Lawyer represents Client. Client tells Lawyer in confidence about a personal financial difficulty unrelated to the representation. Lawyer discloses the information to a third party at a social event because Lawyer thinks the third party "might want to know."

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B

D. No in Scenario A; No in Scenario B

54.

Scenario A: Lawyer at trial cross-examines an opposing witness about prior inconsistent statements, with proper foundation laid through certified deposition transcripts. Lawyer's questions are tied to evidence properly in the record.

Scenario B: Lawyer at trial cross-examines an opposing witness by repeatedly suggesting that the witness has a financial interest in the outcome of the case, when Lawyer has no good-faith basis for the suggestion and is solely intending to harass the witness.

Is the lawyer subject to discipline in each scenario?

A. Yes in Scenario A; Yes in Scenario B

B. Yes in Scenario A; No in Scenario B

C. No in Scenario A; Yes in Scenario B

D. No in Scenario A; No in Scenario B

55.

Scenario A: Judge moderates a panel at a continuing legal education seminar on her area of expertise (administrative law). Judge does not address any specific pending matter, and the appearance is unpaid except for the standard speaker reimbursement.

Scenario B: Judge writes a scholarly article for a law review on legal history. Judge does not address any pending matter and receives only a modest academic honorarium consistent with what other contributing authors receive for similar work.

Is the lawyer subject to discipline in each scenario?

A. Yes in Scenario A; Yes in Scenario B

B. Yes in Scenario A; No in Scenario B

C. No in Scenario A; Yes in Scenario B

D. No in Scenario A; No in Scenario B

56.

Scenario A: Lawyer represents Plaintiff. Lawyer interviews an unrepresented former employee of Defendant Corporation about the events at issue. Lawyer is careful not to elicit any privileged information belonging to Defendant Corporation.

Scenario B: Lawyer represents Plaintiff. Lawyer learns that Defendant's outside counsel has consented to a direct interview with one of Defendant's mid-level employees. Lawyer interviews the employee with that counsel's written consent.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

57.

Scenario A: Lawyer publishes an op-ed criticizing a recently issued appellate decision. Lawyer cites specific reasoning errors she believes the court made, with substantive legal analysis throughout and no factual claims about the judges personally.

Scenario B: Lawyer publishes an op-ed criticizing a recently issued appellate decision. Lawyer writes that the judges "appear to be on the take" and have "no integrity," with no factual basis whatsoever for either claim.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

58.

Scenario A: Lawyer at trial makes ex parte contact with a sitting juror during a courthouse recess, asking the juror about the juror's reaction to a witness's testimony. The trial is ongoing at the time of the contact.

Scenario B: Lawyer during a trial communicates with the presiding judge ex parte about the merits of the case via phone calls placed outside the courtroom, without notice to opposing counsel or court authorization.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

59.

Scenario A: Lawyer publishes a scholarly law review article analyzing a recent Supreme Court decision. The article is critical of the legal reasoning but grounded in substantial analysis with no false factual claims about any judge or court personally.

Scenario B: Lawyer testifies before her state legislature regarding pending legislation. Lawyer accurately presents her professional view as a practicing attorney, with clear identification of her role as a practicing lawyer rather than an official representative.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

60.

Scenario A: Lawyer admitted only in State A travels to State B for a one-day deposition in a matter pending before State A's federal court. Lawyer does not establish any office in State B, and the deposition relates entirely to the State A federal court matter.

Scenario B: Lawyer admitted only in State A maintains a permanent office in State B and regularly accepts new clients for State B real estate transactions, without seeking pro hac vice or any form of State B admission.

Is the lawyer subject to discipline in each scenario?

- A. Yes in Scenario A; Yes in Scenario B
- B. Yes in Scenario A; No in Scenario B
- C. No in Scenario A; Yes in Scenario B
- D. No in Scenario A; No in Scenario B

Practice Exam 20: Full Answer Key & Explanations

1. A — Scenario A involves a Rule 1.7 concurrent conflict (direct adversity) without informed consent; Scenario B involves a personal-interest conflict (spouse as opposing party's CEO) under Rule 1.7(a)(2) without disclosure or consent. Both trigger discipline because neither conflict was addressed through the consent and disclosure procedures the rule requires.

2. B — Scenario A is a paradigm Rule 3.3(a)(3) violation because Lawyer knowingly elicited materially false testimony and took no remedial action. Scenario B is not a violation because Lawyer lacks "knowledge" of falsity at the time and the inconsistency is on a peripheral issue — the rule requires actual knowledge of materially false evidence to trigger remedial duties.

3. D — Both scenarios reflect fully compliant fee practices. Scenario A satisfies Rule 1.5(b) with a reasonable hourly rate and written engagement; Scenario B satisfies Rule 1.5(c)'s specific contingent-fee requirements with a writing signed by the client and disclosure of the calculation method.

4. C — Scenario A is proper because Lawyer maintains confidentiality of past, time-barred conduct that Rule 1.6 protects indefinitely. Scenario B violates Rule 1.6 because disclosure of information relating to representation — even without naming the client — is unauthorized when no exception applies and the client has not consented.

5. C — Scenario A is proper because the new matter is unrelated to the prior divorce, so Rule 1.9 imposes no bar. Scenario B violates Rule 1.9(a) because the post-decree custody dispute is substantially related to the original divorce and the new client's interests are materially adverse to the former client.

6. D — Both scenarios fall within Rule 5.5 safe harbors. Scenario A is authorized under Rule 5.5(d) for in-house counsel serving a single entity employer; Scenario B is authorized under Rule 5.5(c)(4) for temporary practice reasonably related to the lawyer's home-jurisdiction practice.

7. B — Scenario A is a Rule 1.1 violation because Lawyer accepted a complex matter beyond her competence without any plan to acquire competence. Scenario B is proper under Comment 2 (necessary study) and Comment 6 (association with experienced counsel), both of which expressly permit acquiring competence through these recognized pathways.

8. B — Scenario A is a Rule 7.1 violation because the "highest success rate" claim is unverifiable and likely to mislead the consumer. Scenario B is proper because the experience and recovery claims are factually accurate, verifiable, and not framed as misleading superlative claims that imply specific outcomes.

9. C — Scenario A is proper because the settlement decision is the client's under Rule 1.2(a), and Lawyer properly conveyed that authorization. Scenario B violates Rule 1.2(a) because refusing to convey Client's settlement authorization substitutes Lawyer's judgment for Client's, which the rule expressly forbids in civil settlement decisions.

10. A — Both scenarios violate Rule 3.1. Scenario A asserts a claim known to be barred by limitations with no good-faith argument for change in law; Scenario B asserts claims with no factual basis after no investigation has been done — both fail Rule 3.1's requirement of a non-frivolous basis in law and fact.

11. B — Scenario A is a Rule 1.7 violation because joint representation of co-defendants with clearly adverse interests proceeds without the required informed consent confirmed in writing. Scenario B is proper because the parties' interests are aligned and Lawyer obtained the necessary informed consent under Rule 1.7(b).

12. C — Scenario A is proper because Rule 1.15(c) is followed: advance fees deposited in trust and withdrawn only as earned. Scenario B violates Rule 1.15(a) and (c) by depositing advance fees directly into the operating account — paradigmatic commingling and misappropriation regardless of subjective good intent.

13. B — Scenario A violates Rule 3.8(a) because continuing prosecution with knowledge that probable cause is destroyed by a coerced confession is exactly what the rule forbids. Scenario B is proper because minor credibility issues going to weight rather than negating guilt do not trigger Rule 3.8(d)'s exculpatory disclosure obligation.

14. D — Both scenarios fall within permissible judicial conduct. Scenario A involves de minimis acceptance from a non-party at a public event, which the Model Code permits; Scenario B involves routine personal social conduct that does not implicate Rule 2.11 disqualification or Rule 3.13 gift concerns.

15. A — Scenario A violates Rule 1.5(b) because Lawyer never communicated the fee arrangement to the client. Scenario B violates Rule 1.5(c) because contingent fee agreements must be in a writing signed by the client — oral terms are insufficient regardless of the client's later acceptance of the rate.

16. B — Scenario A violates Rule 1.18(c) because Lawyer received "significantly harmful" information from a prospective client and then took an adverse representation without screening. Scenario B is proper because no significantly harmful information was received during the prospective consultation, so Rule 1.18 imposes no bar on subsequent adverse representation.

17. B — Scenario A is a Rule 3.4(e) violation because the lawyer asserted personal knowledge of the client's truthfulness and effectively vouched personally for the client's credibility. Scenario B is proper argument because it draws on actual evidence in the record about consistency of the client's account rather than the lawyer's personal opinion.

18. C — Scenario A is proper because Lawyer properly maintained Rule 1.6 confidentiality of past, non-current information with no exception triggered. Scenario B violates Rule 1.6 because disclosing client confidential information to a third party for the lawyer's own concerns is unauthorized and no permissive exception under 1.6(b) applies.

19. A — Scenario A violates Rule 1.1 because Lawyer accepted a matter beyond her competence without acquiring competence through study or association. Scenario B violates Rule 1.3 because neglecting a matter for two months and missing the statute of limitations is a paradigm diligence breach causing client prejudice.

20. A — Scenario A violates Rule 4.3 because Lawyer implied disinterestedness to the unrepresented claimant and gave improper legal advice beyond "secure counsel." Scenario B violates Rule 4.2 because contacting a known-represented party about the subject of representation without counsel's consent is the central no-contact-rule prohibition.

21. C — Scenario A is proper under Rule 1.14 because Lawyer is taking reasonably necessary protective action (consulting family members with client's permission) consistent with maintaining a normal client-lawyer relationship. Scenario B violates Rule 1.14 because failing to take any protective action despite known severe incapacity neglects the rule's affirmative duty to act for the client's protection.

22. A — Both scenarios trigger discipline. Scenario A is a Rule 1.7 concurrent conflict (direct adversity to a current client) without consent; Scenario B is a Rule 1.9 successive conflict (substantially related matter, material adversity to a former client) without the required informed consent confirmed in writing.

23. D — Both scenarios reflect proper lawyer communications. Scenario A is general legal commentary not subject to Rule 7.3 solicitation restrictions; Scenario B is permitted targeted written solicitation under the 2018-amended Rule 7.3 framework with required "Advertising Material" labeling and no coercion or harassment.

24. A — Both scenarios violate Rule 3.3. Scenario A is a Rule 3.3(a)(3) violation because Lawyer knew of the false expert testimony and took no remedial action; Scenario B is also a 3.3(a)(3) violation because using a known-forged exhibit in argument after the forgery is exposed is the continuing offense of using known-false evidence.

25. A — Both scenarios violate Rule 5.5. Scenario A is a Rule 5.5(a) violation because drafting pleadings for clients during disciplinary suspension is the unauthorized practice of law. Scenario B is a Rule 5.5(b)

violation because maintaining a permanent office and regularly practicing in a jurisdiction without admission is the prototypical continuous-and-systematic-presence prohibition.

26. C — Scenario A is proper because Rule 1.8(c) does not prohibit accepting unsolicited voluntary gifts from clients; it prohibits solicitation and instrument preparation. Scenario B violates Rule 1.8(c) because Lawyer both solicited the bequest and prepared the will containing it for a non-related client — both prohibitions of the rule are violated.

27. B — Scenario A violates Rule 1.6 because disclosure to a non-firm third party (the spouse) for the lawyer's own social purposes is unauthorized. Scenario B is permissible because Rule 1.6(a) impliedly authorizes disclosure to firm staff working on the matter, and Rule 5.3 supervisory framework ensures that staff are bound by the same confidentiality duties.

28. B — Scenario A violates Rule 1.7 because joint representation of business partners in a transactional matter requires informed consent confirmed in writing. Scenario B is proper because Lawyer reasonably believes she can competently represent both, obtained informed consent confirmed in writing from each, and the matter is not the type of adversarial litigation that is non-consentable.

29. A — Both scenarios violate Rule 1.12. Scenario A involves a former mediator representing one mediation party in the same dispute without obtaining all parties' informed consent confirmed in writing. Scenario B involves a former judicial law clerk's new firm representing a defendant in the same case without screening or notice as required by Rule 1.12(c).

30. C — Scenario A is proper under Rule 1.1 Comment 8 because Lawyer evaluated the AI tool, applied independent judgment, and verified citations — meeting the technology-competence standard. Scenario B is a Rule 1.1 violation because failure to evaluate technology security and verify AI output is paradigmatic incompetence under the modern rule, especially when filing hallucinated citations.

31. D — Both scenarios reflect proper trial advocacy. Scenario A is permissible vigorous cross-examination tied to evidence in the record. Scenario B is proper procedural objection practice consistent with the rules of professional conduct and evidence — both fall well within the bounds of acceptable advocacy.

32. B — Scenario A violates Rule 1.15 because depositing a client's settlement check into Lawyer's personal account is commingling, regardless of the lawyer's subjective intent to forward funds the next day. Scenario B is proper Rule 1.15 compliance with prompt notification, segregation in trust, and proper documentation of the fee portion held.

33. B — Scenario A is a Rule 1.7/Rule 1.13 violation because dual representation of an entity and a constituent whose interests are now adverse to the entity requires informed consent. Scenario B is proper because the accountant is not a Rule 1.13 constituent and the matters are wholly unrelated, so no conflict analysis applies.

34. C — Scenario A is proper because Lawyer properly limited the scope of representation under Rule 1.2(c) and referred Client to qualified counsel for the unfamiliar matter. Scenario B violates Rule 1.1

because Lawyer accepted a matter beyond her competence without a plan to acquire competence through study or association.

35. C — Scenario A is proper because contacting opposing counsel directly is the standard and required practice for communications with a represented party. Scenario B violates Rule 4.2 because contacting the represented party directly without opposing counsel's consent is the central prohibition of the no-contact rule.

36. B — Scenario A violates Rule 3.13 of the Model Code because accepting a substantial gift from a lawyer with a pending matter before the judge implicates the gifts-from-parties-or-lawyers prohibition. Scenario B is proper because a de minimis token gift from a non-party bar association at a public event falls within the rule's permitted-gifts framework.

37. D — Both scenarios fall within Rule 5.5 safe harbors. Scenario A is a casual, non-billable answer to a colleague that does not constitute the practice of law in State B. Scenario B is permitted under Rule 5.5(c)(4) as temporary advice arising from and reasonably related to the lawyer's home-jurisdiction practice.

38. A — Both scenarios violate the competence-and-diligence rules. Scenario A is a Rule 1.16(a)(2) mandatory-withdrawal violation because Lawyer's mental impairment materially impairs representation. Scenario B is a Rule 1.1/1.3/1.4 violation because overcommitment causing missed deadlines and substandard work is a multi-rule competence-and-diligence breach.

39. D — Both scenarios reflect proper lawyer communications. Scenario A is a truthful and accurate description of practice areas that does not mislead consumers. Scenario B is accurate general legal information with proper disclaimers, posing no Rule 7.1 misleading-communication concern.

40. D — Both scenarios reflect proper conflict practice. Scenario A involves a properly consented joint representation under Rule 1.7(b) with all four prongs (competent representation, no prohibition, no same-litigation adversity, informed consent confirmed in writing). Scenario B involves no Rule 1.9 issue because the new matter is wholly unrelated to the prior representation.

41. A — Both scenarios violate Rule 1.4. Scenario A is a Rule 1.4(a)(2) violation because Lawyer made significant strategic decisions without consulting Client about the means. Scenario B is a Rule 1.4(a)(3)/(4) violation because Lawyer failed to keep Client reasonably informed of status and respond to reasonable requests for information.

42. D — Both scenarios reflect proper successive practice. Scenario A is permissible because Rule 1.11(a) is matter-specific and Lawyer had no involvement in the new matter while in government. Scenario B is permissible because Rule 1.12 governs the same matter; an unrelated probate matter involving a non-party from the prior mediation is outside its reach.

43. D — Both scenarios reflect proper conflict practice. Scenario A involves a former representation that is wholly unrelated to the new criminal defense matter, so Rule 1.9 imposes no bar. Scenario B is permissible joint representation with aligned interests and informed consent confirmed in writing under Rule 1.7(b).

44. A — Both scenarios violate the candor and fair-dealing rules. Scenario A violates Rule 3.3 by offering known-false evidence without remedial action. Scenario B violates Rule 3.4(a)/(d) by counseling the client to evade material discovery questions and obstruct the discovery process.

45. B — Scenario A violates Rule 7.1 because the "voted #1" claim based on an internal poll of friends is unverifiable and misleading. Scenario B is proper because the Super Lawyers recognition is verifiable through Thomson Reuters records, making it a non-misleading factual statement of third-party recognition.

46. D — Both scenarios reflect proper confidentiality practice. Scenario A is a Rule 1.6(a) authorized disclosure based on the client's informed consent. Scenario B is a Rule 1.6(b)(6) authorized disclosure to comply with a court order after reasonable challenges have been exhausted.

47. A — Both scenarios violate Rule 1.1 and related duties. Scenario A involves a competence-and-diligence breach because workload mismanagement causing missed deadlines and client prejudice violates Rules 1.1 and 1.3. Scenario B is a Rule 1.1 violation because Lawyer accepted a complex tax matter without acquiring competence through study or association.

48. D — Both scenarios reflect proper conduct. Scenario A is permissible under Rule 1.11 because Lawyer had no personal substantial participation in any matter relevant to the new representation. Scenario B reflects proper judicial conduct under Rule 2.11 because the daughter has no personal involvement and Lawyer recuses from matters specifically involving the daughter.

49. C — Scenario A is proper because Lawyer has the requisite competence from fifteen years of real estate experience and prepares thoroughly. Scenario B is a Rule 1.1 violation because Lawyer accepted a federal securities fraud matter outside her competence without taking any steps to acquire competence through study or association.

50. A — Both scenarios violate Rule 1.15. Scenario A is a violation because depositing advance fees into Lawyer's personal money market account is commingling. Scenario B is a violation because depositing settlement funds (including the client's share) into the operating account and immediately paying herself the fee, without segregating the client's portion, is misappropriation of client funds.

51. B — Scenario A violates Rule 1.2(a) because the settlement decision is reserved to the client and Lawyer cannot unilaterally reject Client's accepted offer. Scenario B is proper because the lawyer retains tactical authority over means, the motion has a non-frivolous basis, and the lawyer ultimately followed the client's directed action after consultation and explanation.

52. B — Scenario A violates Rule 8.3(a) because the misconduct raises a substantial question about the other lawyer's honesty and Lawyer failed to report. Scenario B is proper because Rule 8.3 requires actual "knowledge" of misconduct, and vague overheard fragments at a CLE event do not satisfy the rule's knowledge threshold.

53. C — Scenario A is proper because Rule 1.6(b)(1) expressly permits disclosure to prevent reasonably certain death or substantial bodily harm. Scenario B violates Rule 1.6 because no permissive disclosure

exception applies — sharing confidential information at a social event without authorization or applicable exception is impermissible regardless of the lawyer's motivations.

54. C — Scenario A is proper cross-examination grounded in evidence and proper foundation. Scenario B violates Rule 4.4(a) and Rule 3.4 because cross-examination questions with no good-faith basis, intended solely to harass, use means without substantial purpose other than to embarrass and may violate the witness's legal rights.

55. D — Both scenarios reflect proper judicial extrajudicial activity. Scenario A is permitted under Rule 3.7 of the Model Code because Judge is teaching law to lawyers on an area of expertise without addressing pending matters. Scenario B is permitted because law review writing on legal history is paradigmatic permitted scholarly activity with reasonable compensation under Rules 3.7 and 3.12.

56. D — Both scenarios reflect proper communications with non-clients. Scenario A is permitted under Comment 7 to Rule 4.2, which authorizes contact with former employees subject to limits on eliciting privileged information. Scenario B is permitted under Rule 4.2 because counsel has consented in writing to the direct contact with the current employee.

57. C — Scenario A is proper because criticism of legal reasoning grounded in substantive analysis is protected speech that does not implicate Rule 8.2(a)'s factual-falsity prohibition. Scenario B violates Rule 8.2(a) because claims that judges "appear to be on the take" and have "no integrity," with no factual basis, are false statements about judicial integrity made with reckless disregard.

58. A — Both scenarios violate Rule 3.5. Scenario A violates Rule 3.5(b)/(c) by communicating ex parte with a sitting juror about the trial during the proceeding. Scenario B violates Rule 3.5(b) by communicating ex parte with the presiding judge about the merits of the case without notice to opposing counsel or court authorization.

59. D — Both scenarios reflect proper legal commentary and public participation. Scenario A is a scholarly law review article with no false factual claims that falls within First Amendment-protected legal commentary and does not violate Rule 8.2. Scenario B is proper legislative testimony with accurate self-identification and an honest presentation of professional views.

60. C — Scenario A is proper under Rule 5.5(c)(2) because temporary appearance for a deposition in a State A federal court matter is reasonably related to the lawyer's home-jurisdiction practice. Scenario B violates Rule 5.5(b) because maintaining a permanent State B office and regularly accepting State B real estate clients without State B admission is the prototypical systematic-and-continuous-presence prohibition.