

PRACTICE EXAM 23: MPRE SIMULATION (60 QUESTIONS)

Time Allotted: 2 hours

Format: Best Argument For/Against. Each question presents a scenario, fixes a position (proper or improper / subject to discipline or not), and asks for the strongest argument supporting that fixed position. The conclusion is given — select the best supporting reason. Other arguments may be plausible or partially correct; the question asks which argument provides the strongest doctrinal foundation.

1. Lawyer represents Plaintiff in a personal injury case against Defendant. Lawyer's firm also represents Defendant in an unrelated tax matter. Lawyer obtained no informed consent from either client. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's failure to disclose the dual representation to her own client was itself a Rule 1.4 communication violation
- B. Lawyer cannot represent two clients with adverse financial interests under any circumstance
- C. Rule 1.7(a)(1) creates a concurrent conflict whenever the representation of one client is directly adverse to another current client, requiring informed consent under Rule 1.7(b)
- D. Lawyer's firm violated Rule 1.5 by not disclosing the fee arrangements to both clients

2. 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 Client's settlement authorization to opposing counsel. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Rule 1.2(a) expressly reserves to the client the decision whether to settle a civil matter, and the lawyer cannot substitute her judgment regardless of case valuation
- B. Lawyer's refusal violates the duty to communicate the status of the matter under Rule 1.4
- C. Lawyer is bound to her client's authority under standard agency principles of general contract law
- D. Lawyer's personal belief about case value is inadmissible as a factor in the settlement decision

3. 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's conduct undermines the adversarial process by allowing the jury to be deceived on a material fact
- B. Rule 3.3(a)(3) prohibits a lawyer from offering evidence the lawyer knows to be false and requires reasonable remedial measures including disclosure to the tribunal
- C. Lawyer's client may now be subject to criminal liability for perjury arising from the false testimony
- D. Lawyer's tactical advantage gained through false testimony is fundamentally unfair to the opposing party

4. Lawyer represents Client, who tells Lawyer in confidence about a personal financial dispute with a third party. Lawyer discloses the information at a social event because Lawyer believes the third party "should know." Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's disclosure may have caused embarrassment and reputational harm to Client
- B. Lawyer's social conduct violates Rule 8.4(d)'s prohibition on conduct prejudicial to the administration of justice
- C. The third party may now have grounds to sue Lawyer for defamation arising from the disclosure
- D. Rule 1.6(a) prohibits revealing information relating to the representation absent informed consent or an applicable Rule 1.6(b) exception, none of which applies here

5. Lawyer accepts a complex federal antitrust matter despite no antitrust experience. Lawyer does not associate with experienced counsel, does not undertake substantial study, and makes serious procedural errors. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer should have referred the matter to an established antitrust firm with relevant expertise
- B. Lawyer's failure to provide effective assistance may violate the client's constitutional rights
- C. The complexity of federal antitrust law makes any unsupervised representation per se incompetent
- D. Rule 1.1 requires legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation, which Lawyer did not have and did not acquire through study or association

6. Lawyer is admitted only in State A and maintains a permanent office in State B where she regularly handles State B real estate transactions for State B clients, without seeking State B admission. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. State B residents are entitled to representation by State B-admitted attorneys as a matter of consumer protection
- B. Lawyer's State A admission does not protect her from State B's disciplinary jurisdiction
- C. Rule 5.5(b)(1) prohibits a lawyer not admitted in a jurisdiction from establishing an office or other systematic and continuous presence in that jurisdiction for the practice of law
- D. Lawyer's failure to take State B's bar exam demonstrates a lack of fitness to practice in State B

7. Lawyer previously represented Client A in setting up Client A's business. Five years later, Lawyer accepts representation of Client B against Client A in a contract dispute arising from the very business structure Lawyer set up. Lawyer obtained no consent. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's continued obligations to Client A are governed by an implied contract surviving the engagement
- B. Rule 1.9(a) prohibits a lawyer from representing another client whose interests are materially adverse to a former client in the same or substantially related matter, absent informed consent confirmed in writing
- C. Client A has standing to disqualify Lawyer's representation in the underlying court proceedings
- D. Lawyer's access to confidential information from the prior representation creates an appearance of impropriety

8. 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 the first invoice arrives. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's failure to obtain a signed engagement letter is per se professional misconduct
- B. Lawyer's billing without prior disclosure constitutes fraudulent conduct under Rule 8.4(c)
- C. Rule 1.5(b) requires the lawyer to communicate the basis or rate of the fee and expenses to the client, preferably in writing, before or within a reasonable time after commencing the representation
- D. Lawyer's conduct unjustly enriched her at the client's financial expense

9. Lawyer files a complaint asserting claims known to be barred by the statute of limitations, with no good-faith argument for extending, modifying, or reversing the law. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Rule 3.1 prohibits a lawyer from bringing a proceeding unless there is a basis in law and fact for doing so that is not frivolous, including a good-faith argument for extension or modification of existing law
- B. Lawyer's conduct wastes judicial resources and inflicts unnecessary defense costs on opposing counsel
- C. The statute of limitations defense is jurisdictional and mandates dismissal of barred claims
- D. Lawyer's filing violates Federal Rule of Civil Procedure 11 sanctioning standards for unsupported claims

10. Lawyer's firm website states "Our lawyers have the highest success rate of any personal injury firm in the state." The claim cannot be objectively verified and is based on an informal internal poll. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. The claim damages competing personal injury firms through unfair business practices
- B. Rule 7.1 prohibits a lawyer from making a false or misleading communication about the lawyer or the lawyer's services, including unverifiable superlative claims likely to create unjustified expectations
- C. Lawyer's claim violates the consumer protection statutes of most states
- D. The internal poll provides insufficient empirical basis to support the published marketing claim

11. 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Joint representation in any criminal case requires court approval that Lawyer did not obtain
- B. Rule 1.7(a)(2) creates a concurrent conflict when the representation of one client will be materially limited by responsibilities to another, and joint representation here requires informed consent confirmed in writing under Rule 1.7(b)
- C. Lawyer's representation may result in ineffective assistance of counsel under *Strickland v. Washington*
- D. Lawyer's tactical positioning between adverse co-defendants is inherently divided

12. Lawyer previously served as in-house counsel for ABC Corporation. While there, Lawyer personally drafted ABC's standard non-disclosure agreement template. Lawyer is now in private practice and represents a former ABC employee challenging the very NDA Lawyer drafted. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's continued duty of loyalty to ABC bars any adverse representation against the former employer
- B. Lawyer's familiarity with the NDA template gives her an unfair informational advantage in litigation
- C. Rule 1.10 imputes Lawyer's conflict throughout her current firm and the matter cannot proceed without notice
- D. Rule 1.9(a) prohibits a lawyer from representing a client whose interests are materially adverse to a former client in a substantially related matter, and Lawyer's prior drafting of the very NDA at issue establishes substantial relatedness

13. Lawyer accepts a complex tax matter and immediately associates with an experienced tax attorney, undertakes a CLE course on the relevant tax issues, and reviews several treatises before commencing substantive work. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. Rule 1.1 Comment 2 permits acquiring competence through necessary study, and Comment 6 permits competence through association with experienced counsel — both pathways Lawyer used
- B. The client's informed consent to Lawyer's lack of experience is implicit in the engagement agreement
- C. Lawyer's professional reputation will be enhanced by competently handling the matter despite the learning curve
- D. Federal tax matters have no specific competence requirement separate from the general Model Rules framework

14. Lawyer represents Client in litigation. Client refuses to communicate with Lawyer for six weeks despite Lawyer's repeated attempts to reach her. Lawyer needs to make critical decisions about pending motions and ultimately seeks to withdraw from the representation. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. Lawyer's withdrawal protects her from potential liability for actions taken without client direction
- B. Lawyer cannot competently proceed without Client's input and must withdraw to avoid Rule 1.1 violation

C. Rule 1.16(b)(5) permits a lawyer to withdraw if the client substantially fails to fulfill an obligation regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled

D. Client's non-communication has terminated the lawyer-client relationship as a matter of agency law

15. Lawyer receives a \$50,000 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

A. Lawyer's checking account practice violates the bank's contractual terms of service

B. Lawyer's failure to negotiate a separate trust account violates state banking law requirements

C. Lawyer's exposure to her personal creditors creates undue risk for Client's settlement funds

D. Rule 1.15(a) requires the lawyer to hold property of clients in a separate trust account from the lawyer's own property, regardless of subjective intent or the brevity of the deposit

16. 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." Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

A. Rule 3.4(e) prohibits a lawyer at trial from asserting personal knowledge of facts in issue or stating a personal opinion on the credibility of a witness

B. Lawyer's statement violates the attorney's role as an officer of the court committed to fair proceedings

C. Lawyer's vouching for the client may constitute witness tampering under criminal law

D. Lawyer's personal opinion is inadmissible as evidence under the standard rules of evidence

17. Judge accepts a free dinner from a lawyer who frequently appears before her court. The dinner is valued at \$150. The lawyer has multiple cases pending before Judge at the time. Judge is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Judge's social engagement creates an appearance of personal favoritism toward the appearing lawyer
- B. Federal income tax law treats the gift as taxable compensation requiring formal disclosure
- C. State campaign finance rules require disclosure of all gifts to public officials including judges
- D. Rule 3.13 of the Model Code of Judicial Conduct restricts acceptance of gifts from parties or lawyers who have come or are likely to come before the judge, and this dinner falls squarely within the prohibition

18. Lawyer accepts representation of Client. After explaining the joint-representation implications and obtaining informed consent confirmed in writing from each, Lawyer also represents Client's business partner in the same partnership formation. Lawyer reasonably believes she can competently represent both. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. The business partners' aligned interests in partnership formation cure any potential conflict concerns
- B. Rule 1.7(b) permits joint representation despite a concurrent conflict when the lawyer reasonably believes she can provide competent and diligent representation to each, the matter is not non-consentable, and each client gives informed consent confirmed in writing
- C. Transactional matters do not present the same conflict concerns as adversarial litigation
- D. Partnership formation is functionally a single representation with two beneficiaries of the same engagement

19. 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. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. Rule 1.6(b)(1) expressly permits disclosure to the extent the lawyer reasonably believes necessary to prevent reasonably certain death or substantial bodily harm

- B. Lawyer's disclosure satisfies her tort-law duty to warn identifiable third parties of foreseeable serious harm
- C. Lawyer's withdrawal from the representation eliminates her confidentiality obligation
- D. Client's planned crime forfeits the protection of the attorney-client privilege under the crime-fraud doctrine

20. Lawyer is consulted by Prospective Client about a possible employment discrimination claim. Lawyer declines the case. One month later, the employer asks Lawyer to defend the same type of discrimination claim against a different former employee. Lawyer received no significantly harmful information during the prospective consultation. Lawyer's accepting the employer's representation is proper.

Which provides the strongest argument supporting that position?

- A. Rule 1.18(c) prohibits subsequent adverse representation only if the lawyer received information that could be significantly harmful to the prospective client, which did not occur here
- B. The lawyer-prospective client relationship terminated when Lawyer declined the case
- C. The employer is a different party from the original prospective client, severing any conflict
- D. Lawyer's general experience in employment discrimination is too broad to create disqualification

21. Lawyer represents Plaintiff. Lawyer wants to interview Yves, an unrepresented non-party witness with personal knowledge of the events. Lawyer must avoid stating or implying disinterestedness, must correct any misunderstanding about her role, and may not give legal advice except to seek counsel. Lawyer's conduct, when she does so accurately, is proper.

Which provides the strongest argument supporting that position?

- A. Lawyer's interview of a non-party witness is part of normal litigation practice with no professional conduct concerns
- B. Witnesses are not adverse parties under Rule 4.2 and are categorically excluded from the no-contact rule's scope
- C. Rule 4.3 governs dealings with unrepresented persons and permits the interview when Lawyer complies with its specific limits on representations and legal advice

D. Lawyer's pre-trial investigation is protected work product not subject to professional conduct rules

22. Lawyer at trial cross-examines a key opposing witness about prior inconsistent statements with proper foundation laid through certified deposition transcripts. Lawyer's tone is professional and the questions are anchored to evidence in the record. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

A. Rule 3.4(e) permits vigorous cross-examination grounded in evidence and proper foundation; impeachment through prior inconsistent statements is well within the rule's scope

B. Lawyer's professional tone alone is sufficient to render the cross-examination proper conduct

C. The certified deposition transcripts are conclusive proof of the witness's prior statements

D. Cross-examination is constitutionally protected attorney conduct under the Sixth Amendment

23. Lawyer represents Client in a real estate transaction. Client requests Lawyer also handle Client's separate child custody matter. Lawyer has no family law experience, explains she does not practice that area, declines the new matter, refers Client to family law counsel, and properly limits the engagement to the real estate transaction. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

A. Lawyer's scope limitation protects her from malpractice exposure in the unfamiliar area

B. Rule 1.2(c) permits the lawyer to limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent

C. Lawyer's referral to family law counsel discharges her ethical obligations as a matter of agency law

D. Lawyer's lack of family law experience makes her categorically prohibited from handling such matters

24. Lawyer represents an organization in a regulatory matter. The CEO asks Lawyer to also represent the CEO personally in a separate dispute with a different bank. The personal matter is wholly unrelated to the organization's business, but Lawyer does not obtain informed consent from the organization. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's personal representation of the CEO creates a confidentiality risk for the organization
- B. Lawyer's dual roles undermine the foundational principle of corporate separateness
- C. Rule 1.13(g) requires informed consent from the organization through an appropriate official before a lawyer for an organization may also represent a constituent in a separate matter
- D. Lawyer's failure to disclose the dual representation to the organization's board is a separate Rule 1.4 communication violation

25. 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 disciplinary authorities. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's silence implicitly endorses the other lawyer's pattern of misconduct
- B. Lawyer's firm has supervisory liability under Rule 5.1 for the other lawyer's conduct
- C. Rule 8.3(a) requires a lawyer who knows that another lawyer has committed a violation that raises a substantial question as to honesty, trustworthiness, or fitness to inform the appropriate professional authority
- D. Lawyer's role as an officer of the court compels active reporting of all professional misconduct she observes

26. Lawyer accepts a complex bankruptcy matter despite no bankruptcy experience. Lawyer makes no plan to acquire competence — no association with experienced counsel, no substantial study. Lawyer ultimately makes basic procedural errors that harm the client. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's harm to the client establishes malpractice liability under tort law principles
- B. Rule 1.1 requires legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation, and Lawyer's failure to acquire competence is itself the violation

- C. Lawyer's failure to refer to an experienced bankruptcy attorney violates professional courtesy norms
- D. The client's reliance on Lawyer's representations of competence constitutes detrimental reliance

27. 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's conduct violates implied agency duties surviving the prior engagement
- B. Lawyer's access to Client's confidential financial information is presumptively shared with the ex-spouse
- C. Lawyer's switching sides between parties to the same family unit undermines family court fairness
- D. Rule 1.9(a) prohibits a lawyer from representing a client whose interests are materially adverse to a former client in the same or substantially related matter, and the post-decree custody dispute is substantially related to the divorce

28. Lawyer at trial offers an exhibit Lawyer knows to be a forgery created by her own client. Lawyer takes no remedial action when the forgery is exposed by opposing counsel. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Rule 3.3(a)(3) requires the lawyer who has offered material evidence and comes to know of its falsity to take reasonable remedial measures, including disclosure to the tribunal if necessary, and the rule overrides Rule 1.6 confidentiality
- B. Lawyer's failure to withdraw the exhibit constitutes obstruction of justice under criminal law
- C. Lawyer's continued use of the forgery violates Rule 4.1's prohibition on false statements to third parties
- D. The forgery exposes Lawyer to civil liability for fraud upon the court

29. Lawyer represents Client in a complex commercial matter. Lawyer's communications with Client are sporadic — sometimes weekly, sometimes only after a month of silence. Lawyer meets all court deadlines

and produces high-quality work. Client complains to the bar that Lawyer is "unprofessional." Lawyer is subject to discipline for the communication failures.

Which provides the strongest argument supporting that position?

- A. Lawyer's high-quality work product is irrelevant to her client communication obligations
- B. Rule 1.4 requires reasonably prompt communication about the status of the matter and prompt response to reasonable requests for information, neither of which is excused by otherwise competent legal work
- C. Lawyer's hourly billing reflects time spent on the case rather than on the client relationship
- D. Lawyer's professional reputation depends on client satisfaction as well as case outcomes

30. 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's spouse is not bound by attorney-client privilege and could be compelled to testify
- B. Lawyer's vent at dinner creates an appearance of impropriety even if no actual harm follows
- C. Lawyer's spouse has no legitimate need-to-know that justifies the disclosure under any exception
- D. Rule 1.6(a) prohibits revealing information relating to the representation absent informed consent, implied authorization to carry out the representation, or an enumerated 1.6(b) exception — none of which permits casual social disclosure

31. Lawyer sends targeted text messages to people identified from purchased police reports as recently injured in car accidents. The messages identify her firm, offer free consultations, and contain "Advertising Material" labeling. They do not coerce or harass recipients. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. Targeted electronic solicitation has been universally permitted since the digital communications era began
- B. Lawyer's purchased data source provides legitimate business intelligence under standard advertising practices
- C. The First Amendment protects all commercial speech by lawyers without ethics-rule restrictions
- D. Rule 7.3, as amended in 2018, permits targeted written solicitation including text messages when the communication is not false or misleading, does not involve coercion or harassment, and includes the required "Advertising Material" labeling

32. Lawyer formerly served as in-house counsel for ABC Corporation. While there, Lawyer personally and substantially participated in a litigation matter against a competitor. Lawyer is now in private practice and is asked to represent the competitor in a new dispute against ABC arising from that same prior litigation. Lawyer accepts without ABC's informed consent. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Rule 1.9(a) prohibits a lawyer from representing a client whose interests are materially adverse to a former client in the same or substantially related matter, absent informed consent confirmed in writing
- B. Lawyer's prior in-house position created continuing fiduciary obligations to ABC that survive her departure
- C. Rule 1.11 applies to former government lawyers regardless of context, including former in-house counsel
- D. ABC's confidential business information that Lawyer obtained creates an unfair informational advantage

33. Lawyer is suspended for 60 days for an ethics violation. During the suspension, Lawyer continues to draft pleadings for paying clients and bills them through her firm's account. Lawyer is subject to discipline for the suspension-period conduct.

Which provides the strongest argument supporting that position?

- A. Lawyer's continued billing during suspension violates the express text of the suspension order
- B. Lawyer's drafting work product technically constitutes the unauthorized practice of law on its own

C. Rule 5.5(a) prohibits a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, and drafting pleadings during suspension is the unauthorized practice the rule reaches

D. Lawyer's failure to disclose her suspended status to clients is a separate Rule 1.4 violation

34. Lawyer represents Plaintiff in a personal injury case. During discovery, Lawyer learns from her own client that her client deliberately exaggerated certain symptoms in earlier sworn discovery responses Lawyer filed on Plaintiff's behalf. Opposing counsel has not yet noticed the discrepancy. Lawyer is required to take remedial action.

Which provides the strongest argument supporting that requirement?

A. Lawyer's failure to act undermines the discovery process and the integrity of the litigation

B. Rule 3.3(a)(3) requires the lawyer who has offered material evidence and comes to know of its falsity to take reasonable remedial measures, including disclosure to the tribunal if necessary

C. Lawyer's continued representation could expose her to civil liability for malicious prosecution

D. Lawyer's failure to act constitutes obstruction of justice under federal criminal law

35. Lawyer receives a \$50,000 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. Lawyer retains a documented fee portion in trust pending billing review. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

A. Rule 1.15 requires the lawyer to hold property of clients in a separate trust account, promptly notify the client of receipt, promptly distribute property the client is entitled to receive, and hold disputed portions in trust — all of which Lawyer did

B. Lawyer's prompt action establishes a duty of care that satisfies any malpractice standard

C. Lawyer's documentation of the fee portion protects her from any future fee dispute

D. Two-day disbursement is the longest period permitted under standard banking law

36. Lawyer represents Client. Mid-representation, Lawyer is diagnosed with a serious illness requiring six months of intensive treatment. Lawyer has no colleagues at her solo practice. Lawyer fails to arrange substitute counsel or consult with Client about the situation. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's medical condition is a personal matter not implicating professional conduct rules
- B. Lawyer's failure to notify Client of her illness is a separate Rule 1.4 communication violation independent of any withdrawal context
- C. Rule 1.16(d) requires the lawyer upon termination or substantial inability to continue representation to take steps reasonably practicable to protect the client's interests, including giving reasonable notice and allowing time for employment of other counsel
- D. Lawyer's continued retention of fees during her inability to work constitutes unjust enrichment

37. Lawyer is admitted only in State A and travels to State B for a one-day deposition in a matter pending before State A's federal court. Lawyer does not establish an office in State B, and the deposition relates entirely to the State A federal court matter. Lawyer's conduct in conducting the deposition is proper.

Which provides the strongest argument supporting that position?

- A. Lawyer's federal court admission supersedes State B's lawyer admission requirements
- B. Rule 5.5(c)(2) permits a lawyer admitted in another U.S. jurisdiction to provide services on a temporary basis in another jurisdiction when the services are reasonably related to a pending or potential proceeding before a tribunal in the lawyer's home jurisdiction
- C. State B has no jurisdiction over Lawyer because she has no presence in the state beyond the deposition
- D. The deposition is purely procedural and does not constitute the practice of law in State B

38. 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. Lawyer accepts the joint representation. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. Rule 1.7(b) permits joint representation when the lawyer reasonably believes she can provide competent and diligent representation to each affected client, the representation is not prohibited by law, the representation does not involve assertion of a claim by one client against another in the same litigation, and each affected client gives informed consent confirmed in writing
- B. The buyers' aligned interests in the transaction eliminate any potential conflict concerns
- C. Transactional matters present no conflict concerns in most jurisdictions today
- D. Multiple-client representation in transactional matters is governed by contract law principles

39. Lawyer's solo practice has become unmanageable. Lawyer routinely misses deadlines, fails to track key dates, and drops the ball on filings. Multiple clients have suffered documented prejudice. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's harm to clients establishes both malpractice liability and disciplinary exposure
- B. Rule 1.3 requires reasonable diligence and promptness, and Rule 1.1 requires preparation reasonably necessary for the representation, both of which are violated by Lawyer's workload mismanagement
- C. Lawyer's solo practice structure is itself inherently inadequate for handling a large caseload
- D. Lawyer's failure to hire support staff violates the supervisory obligations of Rule 5.3

40. Judge accepts an invitation to speak at a continuing legal education seminar on appellate practice. The CLE provider offers Judge a \$5,000 honorarium. The audience consists primarily of lawyers who may appear before Judge's court. Judge accepts the honorarium without public disclosure. Judge is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Judge's acceptance creates an appearance of impropriety in subsequent rulings on appearing attorneys' matters
- B. Judge's speech for compensation violates the constitutional separation of judicial and commercial roles

C. Federal income tax law treats the honorarium as taxable compensation requiring public reporting

D. Rule 3.12 of the Model Code permits compensation for extrajudicial activities only if reasonable and not appearing to undermine independence, and Rule 3.15 requires public disclosure — neither requirement is satisfied here

41. Lawyer at 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

A. Lawyer's ex parte contact creates an appearance of impropriety that taints the entire proceedings

B. Lawyer's communication with the judge outside the courtroom violates physical courtroom decorum rules

C. Rule 3.5(b) prohibits a lawyer from communicating ex parte with a judge during a proceeding unless authorized to do so by law or court order

D. Lawyer's failure to copy opposing counsel violates the certificate-of-service requirements

42. Lawyer formerly served as a court-appointed mediator in a divorce between Han and Ida. After mediation fails, Han asks Lawyer to represent her in litigation against Ida over the same divorce. Lawyer accepts without obtaining Ida's informed consent confirmed in writing. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

A. Lawyer's prior mediator role creates a duty of loyalty to both parties surviving the engagement

B. Lawyer's substantive knowledge of the case from mediation gives her an unfair litigation advantage

C. Rule 1.7 governs the now-current adverse relationship and bars the representation without consent from all parties

D. Rule 1.12(a) prohibits a former third-party neutral from representing anyone in connection with the matter on which she served as a neutral, absent informed consent confirmed in writing from all parties

43. Lawyer represents Plaintiff in litigation. Lawyer contacts Defendant directly to discuss settlement, knowing Defendant is represented by counsel, without first obtaining Defendant's counsel's consent. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's direct contact undermines the adversarial system by circumventing the proper negotiation framework
- B. Rule 4.2 prohibits a lawyer from communicating about the subject of the representation with a person known to be represented by another lawyer in the matter, without that lawyer's consent or other authorization
- C. Lawyer's contact could be characterized as tortious interference with the represented party's attorney relationship
- D. Lawyer's communication may be admissible as evidence of bad faith in subsequent fee disputes

44. 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. The advertisement may damage competing firms through unfair business competition
- B. The internal poll lacks the methodological rigor required by professional advertising standards
- C. Rule 7.1 prohibits a lawyer from making a false or misleading communication about the lawyer or the lawyer's services, and the "#1" claim based on an unverifiable insider poll is misleading regardless of literal accuracy
- D. Lawyer's advertisement violates federal trade commission regulations on deceptive marketing

45. Lawyer represents Client. Lawyer is required by a valid court order to disclose certain information related to the representation. Lawyer first exhausts reasonable challenges to the order — filing motions to quash and seeking interlocutory review. After being ordered again to comply, Lawyer discloses the information. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. Lawyer's compliance with court orders takes precedence over confidentiality obligations as a general matter of law
- B. Lawyer's exhaustion of challenges shifts the responsibility for the disclosure to the court itself
- C. Client's right to confidentiality is waived once the court has ordered disclosure regardless of the lawyer's response
- D. Rule 1.6(b)(6) permits a lawyer to disclose confidential information to the extent reasonably necessary to comply with other law or a court order, with the lawyer's challenge obligation governed by a reasonableness standard

46. Lawyer formerly represented Client A in setting up Client A's business. The representation ended cleanly five years ago. Lawyer now represents another party in a wholly unrelated criminal defense matter in which Client A has no involvement whatsoever. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. The passage of five years has extinguished any Rule 1.9 obligations Lawyer may have had
- B. Lawyer's prior representation has no bearing on her current criminal defense practice
- C. Rule 1.9(a) prohibits adverse representation only in the same or substantially related matter, and the new criminal defense matter is wholly unrelated to the prior business setup work
- D. Client A's lack of involvement in the criminal matter eliminates any possible Rule 1.9 issue

47. Lawyer is diagnosed with 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Rule 1.16(a)(2) requires mandatory withdrawal when the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client, and continuing despite known impairment combines that withdrawal violation with a Rule 1.1 competence violation

- B. Lawyer's harm to multiple clients establishes a pattern of malpractice across her practice
- C. Lawyer's failure to seek help violates the lawyer's general obligation to maintain professional fitness
- D. The complexity of mental health treatment makes lawyer impairment a particularly serious issue for the profession

48. Lawyer at trial makes ex parte contact with a sitting juror during a courthouse recess, asking the juror about her reaction to a witness's testimony. The trial is ongoing. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's contact may compromise the verdict and trigger mistrial procedures
- B. Lawyer's behavior demonstrates professional unfitness as an officer of the court
- C. Rule 3.5(b) prohibits a lawyer from communicating ex parte with a juror during the proceeding unless authorized to do so by law or court order
- D. Lawyer's questioning of the juror about testimony violates the deliberative privacy of the jury process

49. Lawyer is investigated by the state bar following a client complaint. Lawyer receives a formal request for information related to the investigation. Lawyer refuses to respond, asserting only a blanket "attorney-client privilege" as the basis for non-cooperation, even though the request seeks information about Lawyer's own conduct rather than client communications. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's refusal to cooperate with the bar is per se misconduct under all state professional conduct codes
- B. Lawyer's incorrect invocation of privilege misrepresents the law to disciplinary authorities
- C. Lawyer's failure to participate undermines the bar's ability to protect the public
- D. Rule 8.1(b) prohibits a lawyer from knowingly failing to respond to a lawful demand for information from a disciplinary authority, with an express carve-out for the Fifth Amendment privilege — not for blanket attorney-client privilege over the lawyer's own conduct

50. Lawyer receives \$30,000 from Client for legal fees and \$5,000 from Client for filing fees and court costs. Lawyer deposits all \$35,000 into her operating account, planning to use the funds only as needed for Client's matter. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's intent to use the funds only for Client's matter is irrelevant to the trust-account violation
- B. Rule 1.15(a) and (c) require advance fees and client funds to be deposited in the trust account, and Lawyer's deposit of all funds in the operating account is commingling and misappropriation regardless of subjective intent
- C. Lawyer's failure to provide Client with a separate accounting violates Rule 1.5 fee disclosure requirements
- D. Lawyer's exposure to her personal creditors creates undue risk for Client's funds

51. Lawyer publishes an op-ed criticizing a recent appellate decision. Lawyer cites specific reasoning errors she believes the court made. The opinion is grounded in substantive legal analysis without any false factual claims about the judges personally. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

- A. Rule 8.2(a) prohibits only statements about judges that the lawyer knows to be false or makes with reckless disregard for truth or falsity; criticism of legal reasoning grounded in substantive analysis falls outside this prohibition
- B. Lawyer's First Amendment rights protect all legal commentary regardless of professional conduct rules
- C. Critical commentary on judicial decisions improves the legal profession through robust public debate
- D. Op-eds are protected academic speech outside the scope of professional conduct regulation

52. Prosecutor learns that the prosecution's case rests on a confession that may have been coerced in a manner that destroys probable cause. Prosecutor continues with the prosecution without addressing the issue or disclosing it to defense counsel. Prosecutor is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Prosecutor's failure to seek dismissal undermines the constitutional integrity of the criminal process
- B. Prosecutor's continuation despite the constitutional issue exposes the defendant to wrongful conviction
- C. Rule 3.8(a) prohibits a prosecutor from prosecuting a charge that the prosecutor knows is not supported by probable cause, and Rule 3.8(d) requires timely disclosure of evidence that tends to negate guilt — both of which Prosecutor's continuation violates
- D. Prosecutor's silence may be characterized as constructive fraud upon the court under common law principles

53. 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 guardianship guidance. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Rule 1.14 governs lawyers' duties to clients with diminished capacity and requires the lawyer to take reasonably necessary protective action when the lawyer reasonably believes the client cannot adequately act in her own interest, including seeking appointment of a guardian or other protective measures
- B. Lawyer's continuation of significant case decisions without consultation violates basic client-autonomy principles
- C. Lawyer's failure to obtain guidance from family members creates an unjustified risk of harm to Client
- D. Lawyer's reliance on her own judgment for an incapacitated client breaches general fiduciary duty principles

54. Lawyer accepts representation of Client A in a contract dispute. Mid-representation, Lawyer is contacted by Client B, who wants to sue Client A on a substantially related claim. Lawyer accepts Client B's representation without obtaining informed consent confirmed in writing from Client A or evaluating consentability. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Lawyer's dual representation creates an inherent and incurable conflict of loyalty
- B. Lawyer's switching sides during an ongoing representation violates basic fiduciary obligations

C. Rule 1.9 applies to the now-former Client A and bars adverse representation in substantially related matters

D. Rule 1.7(a)(1) creates a concurrent conflict when the representation of one client will be directly adverse to another current client, and Lawyer's acceptance of Client B's adverse representation without resolving Client A's status requires informed consent confirmed in writing from each

55. Lawyer represents Client. Lawyer is sued by a former employee for wrongful termination. The former employee alleges that Lawyer mishandled Client's matter, which is publicly disputed. Lawyer wants to disclose Client's confidential information to defend herself against the misconduct allegations. Lawyer's disclosure to the extent reasonably necessary is proper.

Which provides the strongest argument supporting that position?

- A. Lawyer's self-defense interests outweigh confidentiality obligations as a matter of general tort law
- B. Client's implicit consent to disclosure is presumed when the lawyer is publicly accused of misconduct
- C. Rule 1.6(b)(5) permits a lawyer to reveal information relating to the representation to the extent reasonably necessary to establish a defense to a civil claim against the lawyer based on conduct in which the client was involved, or to respond to allegations concerning the lawyer's representation of the client
- D. Lawyer's confidentiality obligation terminates upon being publicly accused of misconduct in the matter

56. Judge sits on a complex commercial case. Judge's brother is a senior partner at one of the firms appearing before the court, though her brother is not personally involved in the litigation. Judge has socialized with her brother twice in the past month. Judge does not disclose the relationship to the parties. Judge is subject to discipline.

Which provides the strongest argument supporting that position?

- A. Judge's failure to disclose suggests subjective bias that may be inferred from circumstantial evidence
- B. Judge's continued participation while socially involved with the firm creates an appearance of impropriety
- C. Judge's familial connection to the firm financially benefits her brother's practice by association with the judicial role

D. Rule 2.11(A) of the Model Code requires disqualification when the judge's impartiality might reasonably be questioned, and disclosure of the firm relationship is required at minimum even where outright disqualification may not be — Judge's silence breaches the rule's disclosure framework

57. Lawyer's firm website lists "Real Estate Law • Family Law • Personal Injury • Criminal Defense" as practice areas. Lawyer has done some work in each area but spends 95% of her time on real estate. A potential client retains Lawyer for a criminal defense matter believing Lawyer is experienced in criminal defense. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

A. Lawyer's website creates an implied warranty of competence that the potential client reasonably relied upon

B. Rule 7.1 prohibits a lawyer from making a false or misleading communication about the lawyer's services, and listing practice areas in which Lawyer has minimal experience creates a misleading impression of competence

C. Lawyer's website violates federal consumer protection law on deceptive trade practices

D. Lawyer's failure to disclose her area of true specialization is a separate Rule 1.4 communication violation

58. Lawyer represents Plaintiff. Lawyer interviews Defendant's former employee, who is unrepresented. During the interview, Lawyer correctly identifies herself, explains that she represents Plaintiff (not the former employee), avoids giving legal advice except to suggest the former employee consult counsel, and is careful not to elicit privileged information belonging to Defendant Corporation. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

A. Lawyer's interview complies with Rule 4.3's specific limits on dealings with unrepresented persons and with Comment 7 to Rule 4.2's permitted contact with former employees subject to limits on eliciting privileged information

B. Lawyer's careful conduct demonstrates the level of preparation expected of effective trial counsel

C. The former employee's status as a non-party witness exempts the contact from professional conduct rules

D. Lawyer's transparent identification of her client role discharges any potential ethical concern

59. Lawyer testifies before her state legislature regarding pending legislation affecting the legal profession. Lawyer accurately presents her professional view as a practicing attorney, with clear identification of her role as a private practitioner. Lawyer's conduct is proper.

Which provides the strongest argument supporting that position?

A. Lawyer's testimony is protected First Amendment speech regardless of professional conduct rules

B. Rule 6.4 permits a lawyer to serve as a director, officer, or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer, and Lawyer's accurate presentation is consistent with such participation

C. Lawyer's contribution to public policy debate satisfies her professional responsibility under Rule 6.1

D. Lawyer's testimony as a practicing attorney provides expert commentary protected by evidentiary rules

60. 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. Lawyer is subject to discipline.

Which provides the strongest argument supporting that position?

A. Lawyer's lack of expertise in securities law exposes the client to specific federal sentencing risks

B. Lawyer's failure to refer the matter to a specialist violates professional norms in federal criminal defense

C. Lawyer's continued representation may give rise to ineffective-assistance-of-counsel claims

D. Rule 1.1 requires legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation, and Lawyer's failure to acquire competence through study or association in a matter far beyond her experience is paradigmatic incompetence

Practice Exam 23 – Answer Key and Explanations

- 1. C** — Rule 1.7(a)(1) is the precise doctrinal hook for direct adversity between current clients, and it is the strongest argument here. The other options either misstate the rule (B says "under any circumstance," but Rule 1.7(b) allows informed consent in many such situations) or rely on collateral rules (A's Rule 1.4 and D's Rule 1.5) that may be technically violated but do not capture the core wrong of representing directly adverse current clients without consent.
- 2. A** — Rule 1.2(a) is the controlling rule and expressly allocates the settlement decision in a civil matter to the client. The lawyer's belief about case value is irrelevant — refusing to convey or honor authorized settlement instructions violates the fundamental allocation of authority Rule 1.2(a) establishes, making it the strongest doctrinal basis among the options.
- 3. B** — Rule 3.3(a)(3) is the precise candor-to-the-tribunal rule that prohibits knowingly offering false evidence and requires remedial measures when falsity emerges. The other options describe true consequences (undermining the process, perjury exposure, unfairness) but identify no specific rule violation, while B states the exact rule applied to exactly these facts.
- 4. D** — Rule 1.6(a) is the foundational confidentiality rule, and the social-event disclosure violates it because no exception applies — Lawyer's personal belief that "the third party should know" is not a recognized 1.6(b) exception. The other options identify possible secondary harms but D states the rule violation directly.
- 5. D** — Rule 1.1 is the competence rule, and it requires either pre-existing competence or its acquisition through reasonable study or association — neither of which Lawyer did. Option A suggests referral as one option but is not a doctrinal rule, B references constitutional rights that apply only in criminal contexts, and C overstates by treating complex matters as per se non-delegable; D states the actual rule violated.
- 6. C** — Rule 5.5(b)(1) directly prohibits a non-admitted lawyer from establishing a systematic and continuous presence in a jurisdiction for the practice of law, and Lawyer's permanent State B office with regular State B work fits the prohibition precisely. The other options identify consequences or describe State B's authority but do not state the specific rule violated.
- 7. B** — Rule 1.9(a) is the former-client rule, and Lawyer's representation of Client B against Client A in a contract dispute arising from the very business structure Lawyer set up is the textbook substantially-related-matter scenario. The other options describe collateral consequences or vague impropriety but B states the precise rule and its precise application.
- 8. C** — Rule 1.5(b) requires communication of the basis or rate of the fee, preferably in writing, before or within a reasonable time after commencing representation. Lawyer's complete failure to communicate any fee arrangement until the first invoice violates this rule directly — the other options reach for collateral theories (fraud, unjust enrichment, signed engagement letters) when the precise rule violation is straightforward.
- 9. A** — Rule 3.1 is the meritorious-claims rule and directly governs frivolous filings; bringing claims known to be time-barred without any good-faith argument for legal change is the paradigm violation. The

other options describe consequences (B), refer to a doctrinal rule of pleading that does not itself create lawyer discipline (C), or invoke FRCP 11 sanctions (D), which run parallel to but are distinct from professional discipline.

10. B — Rule 7.1 prohibits false or misleading communications about the lawyer or her services, and unverifiable superlative claims like "highest success rate" create unjustified expectations that the rule reaches. Options A, C, and D describe collateral consequences or different bodies of law, while B is the precise professional conduct rule violated.

11. B — Rule 1.7(a)(2) governs material-limitation conflicts, and joint representation of co-defendants likely to blame each other is paradigmatic — Rule 1.7(b)'s informed-consent-confirmed-in-writing requirement was not satisfied. Court approval (A) is not the rule, ineffective-assistance claims (C) sound in the Sixth Amendment rather than professional conduct, and D describes the conflict in general terms without identifying the rule.

12. D — Rule 1.9(a) prohibits adverse representation against a former client in a substantially related matter, and Lawyer's prior personal drafting of the very NDA template now being challenged is the strongest possible showing of substantial relatedness. The other options either misstate continuing duties (A), describe an advantage that follows from but does not define the rule (B), or invoke imputation under Rule 1.10 (C), which applies after the personal Rule 1.9 conflict is established.

13. A — Rule 1.1 Comment 2 expressly recognizes acquisition of competence through necessary study, and Comment 6 expressly recognizes association with experienced counsel — Lawyer used both pathways. The other options misstate doctrine: client consent (B) does not appear in the comment structure, reputational considerations (C) are irrelevant to competence, and federal tax matters are governed by Rule 1.1 like any other field (D).

14. C — Rule 1.16(b)(5) is the precise permissive-withdrawal provision for a client who substantially fails to fulfill obligations to the lawyer after reasonable warning. The six-week silence despite repeated attempts is exactly that scenario; the other options identify collateral concerns but C states the specific authorization Lawyer relied upon.

15. D — Rule 1.15(a) requires separation of client property from the lawyer's own funds, full stop — the rule's protection does not depend on the lawyer's subjective intent or the brevity of the deposit. Bank terms of service (A), state banking law (B), and creditor exposure (C) describe consequences or unrelated regimes, while D states the exact rule that the deposit-in-personal-account violates.

16. A — Rule 3.4(e) specifically prohibits a lawyer at trial from asserting personal knowledge of facts in issue or stating a personal opinion as to a witness's credibility. The "I personally know" and "I would stake my reputation" formulations land squarely within both prohibitions; the other options reach for evidentiary or criminal law concepts that do not capture the specific professional conduct rule violated.

17. D — Rule 3.13 of the Model Code of Judicial Conduct restricts judicial acceptance of gifts from parties or lawyers who appear before the court, and a \$150 dinner from a lawyer with multiple pending cases falls squarely within the rule. Appearance arguments (A), tax law (B), and campaign finance (C) describe ancillary regimes; D states the precise judicial conduct rule violated.

18. B — Rule 1.7(b) is the consent-cure provision, and its four conditions — reasonable belief of competent representation, no prohibition by law, no client-vs-client litigation, and informed consent confirmed in writing — were each satisfied here. The other options misstate the basis: aligned interests do not "cure" the conflict (A), transactional matters are governed by the same rules (C), and partnership formation is not a single representation (D).

19. A — Rule 1.6(b)(1) is the express life-or-bodily-harm exception to confidentiality and authorizes disclosure to the extent reasonably necessary to prevent reasonably certain death or substantial bodily harm. Tort-law duties to warn (B) describe parallel obligations but are not the source of permission, withdrawal does not erase confidentiality (C), and the crime-fraud doctrine (D) is an evidentiary privilege concept, not an ethics rule.

20. A — Rule 1.18(c) limits later adverse representation only when the lawyer received "significantly harmful" information from the prospective client, and the stem states no such information was received. The relationship's formal termination (B), party identity (C), and breadth of experience (D) do not capture the actual rule governing this scenario.

21. C — Rule 4.3 specifically governs lawyer dealings with unrepresented persons and permits the interview subject to specific limits — no implied disinterestedness, correction of misunderstandings, and no legal advice except to suggest consultation. The other options either deny any concern exists (A and D) or misread Rule 4.2's scope (B); C identifies the actual rule that authorizes and bounds the conduct.

22. A — Rule 3.4(e) restricts trial conduct but expressly permits vigorous cross-examination grounded in evidence and proper foundation, and impeachment via prior inconsistent statements with certified deposition transcripts satisfies both requirements. Professional tone alone is not the test (B), transcripts are not conclusive proof (C), and the Sixth Amendment is the defendant's right rather than a source of lawyer authorization (D).

23. B — Rule 1.2(c) is the scope-limitation rule and permits the lawyer to limit the engagement if reasonable under the circumstances and the client gives informed consent — both of which Lawyer satisfied. Malpractice protection (A), agency-law discharge (C), and categorical prohibition (D) misstate the doctrinal basis; B is the precise rule.

24. C — Rule 1.13(g) is the specific rule governing dual representation of an organization and its constituent, and it requires informed consent from the organization through an appropriate official — which Lawyer never obtained. Confidentiality risks (A) and corporate separateness (B) are concerns Rule 1.13(g) is designed to address, and Rule 1.4 (D) is a parallel obligation; C states the precise rule.

25. C — Rule 8.3(a) imposes a mandatory reporting duty when a lawyer knows another lawyer has committed a violation raising a substantial question about honesty, trustworthiness, or fitness — and routine lying about case status meets that threshold. The implicit-endorsement framing (A) is rhetorical, Rule 5.1 (B) addresses supervisory liability not reporting, and the officer-of-the-court framing (D) is too broad; C states the precise reporting rule.

26. B — Rule 1.1 requires both pre-existing competence and reasonable preparation; Lawyer had neither and made no plan to acquire either, which is itself the violation regardless of harm. Malpractice analysis

(A) is parallel but distinct, courtesy norms (C) are not rules, and detrimental reliance (D) sounds in contract or tort rather than professional conduct.

27. D — Rule 1.9(a) applies because Lawyer's former Client and the new client are former spouses now in a post-decree custody dispute that is substantially related to the divorce Lawyer handled. The other options identify true concerns — agency duties, confidential information presumptions, switching sides — but only D states the operative rule and its precise application.

28. A — Rule 3.3(a)(3) requires reasonable remedial measures once the lawyer has offered material evidence and learns of its falsity, and the rule expressly overrides Rule 1.6 confidentiality. Lawyer's silence after the forgery is exposed is the violation, and B (obstruction), C (Rule 4.1's scope is for non-client communications), and D (civil fraud) describe collateral consequences.

29. B — Rule 1.4 imposes affirmative communication obligations that include reasonably prompt status updates and prompt responses to reasonable requests for information — neither of which is excused by otherwise competent legal work. Option A is true but conclusory, while C and D address billing or reputation rather than the specific rule violated.

30. D — Rule 1.6(a) prohibits revealing information relating to the representation absent informed consent, implied authorization to carry out the representation, or an enumerated 1.6(b) exception — and venting at dinner satisfies none. The spouse's testimonial status (A), appearance concerns (B), and need-to-know analysis (C) all describe related ideas, but D states the rule directly.

31. D — Rule 7.3, as amended in 2018, permits targeted written solicitation — including text messages — when the communication is not false or misleading, does not involve coercion or harassment, and includes "Advertising Material" labeling, all of which Lawyer satisfied. Option A overstates by claiming universal permission, B treats data sourcing as itself dispositive, and C overstates First Amendment protection; only D identifies the operative rule and its current text.

32. A — Rule 1.9(a) prohibits a lawyer from representing a client whose interests are materially adverse to a former client in the same or substantially related matter without informed consent confirmed in writing, and Lawyer's substantial participation in ABC's prior litigation against the competitor is the textbook substantial relatedness. The continuing fiduciary framing (B), Rule 1.11 (C, which applies to government lawyers), and the informational-advantage framing (D) miss the precise rule.

33. C — Rule 5.5(a) prohibits a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession, and continuing to draft pleadings during a suspension is the unauthorized practice the rule reaches. Suspension-order text (A), per se characterization of drafting work (B), and Rule 1.4 disclosure failures (D) do not capture the central professional conduct violation as precisely.

34. B — Rule 3.3(a)(3) is the candor obligation triggered when the lawyer has offered material evidence and comes to know of its falsity; it requires reasonable remedial measures including disclosure to the tribunal if necessary. Generalized integrity arguments (A), malicious-prosecution exposure (C), and obstruction-of-justice (D) describe consequences but not the specific rule that creates the obligation.

35. A — Rule 1.15 imposes four duties — separate trust account, prompt notification of receipt, prompt distribution of property the client is entitled to receive, and retention in trust of disputed portions — and Lawyer satisfied each. Malpractice (B), fee-dispute protection (C), and banking law (D) describe collateral effects rather than the rule that defines compliant conduct.

36. C — Rule 1.16(d) requires the lawyer upon termination or substantial inability to continue representation to take steps reasonably practicable to protect the client's interests, including reasonable notice and time to find other counsel — none of which Lawyer did. The medical-condition framing (A), parallel Rule 1.4 violation (B), and unjust enrichment (D) are real but secondary; C states the precise rule that Lawyer's failure violates.

37. B — Rule 5.5(c)(2) permits temporary services in another jurisdiction when reasonably related to a pending or potential proceeding in the lawyer's home jurisdiction, and a one-day deposition for a State A federal case fits squarely. Federal admission (A), absence of state jurisdiction (C), and procedural-versus-substantive framing (D) all misstate doctrine; B is the precise rule.

38. A — Rule 1.7(b) lists the four conditions for consenting to a concurrent representation, and all four — reasonable belief of competent representation, no prohibition by law, no client-vs-client litigation, and informed consent confirmed in writing — were satisfied. Aligned-interests (B), absence of conflict in transactional matters (C), and contract-law framing (D) misstate the basis; A states the rule precisely.

39. B — Rule 1.3 requires reasonable diligence and promptness, and Rule 1.1 requires preparation reasonably necessary for the representation; routine missed deadlines and failed tracking violate both, especially when multiple clients suffer prejudice. The malpractice framing (A), inherent-inadequacy (C), and Rule 5.3 staff-supervision (D) are collateral; B identifies the specific rules whose violation is the core of the discipline.

40. D — Rule 3.12 of the Model Code permits judicial compensation for extrajudicial activities only when reasonable and not appearing to undermine independence, and Rule 3.15 requires public disclosure of such compensation — neither requirement satisfied here. Appearance arguments (A), constitutional separation framing (B), and tax law (C) reference parallel concerns but not the precise judicial conduct rules violated.

41. C — Rule 3.5(b) prohibits ex parte communication with a judge during a proceeding absent legal authorization, and merit-based phone calls to the presiding judge outside the courtroom without notice to opposing counsel is the paradigm violation. Appearance of impropriety (A), decorum (B), and certificate-of-service (D) describe collateral concerns; C is the precise rule.

42. D — Rule 1.12(a) is the specific rule governing former third-party neutrals and prohibits them from representing anyone in connection with the matter on which they served as a neutral absent informed consent confirmed in writing from all parties. The duty-of-loyalty framing (A), unfair-advantage framing (B), and Rule 1.7 invocation (C) miss the precise rule that governs former neutrals.

43. B — Rule 4.2 is the no-contact rule and prohibits a lawyer from communicating about the subject of the representation with a person known to be represented by another lawyer in the matter, absent that

lawyer's consent or other authorization. The other options identify true ancillary concerns — system fairness, tortious interference, evidentiary uses — but not the precise rule violated.

44. C — Rule 7.1 prohibits false or misleading communications about the lawyer's services, and a "#1" superlative claim based on an internal poll of friends and family is misleading regardless of literal accuracy because it implies an objective competitive ranking that does not exist. Unfair competition (A), methodological rigor (B), and FTC regulations (D) describe collateral or unrelated regimes.

45. D — Rule 1.6(b)(6) permits disclosure to the extent reasonably necessary to comply with other law or a court order, with the lawyer's challenge obligation governed by a reasonableness standard. Lawyer satisfied that standard through motions to quash and interlocutory review before complying. The other options either misstate the precedence between confidentiality and court orders (A), shift responsibility (B), or treat client rights as waived (C).

46. C — Rule 1.9(a) prohibits adverse representation only in the same or substantially related matter, and a criminal defense matter in which Client A has no involvement is wholly unrelated to the prior business setup work — taking the conduct outside the rule's prohibition. Time-passage extinguishment (A), categorical irrelevance (B), and lack-of-involvement framing (D) are not the precise doctrinal test.

47. A — Rule 1.16(a)(2) requires mandatory withdrawal when the lawyer's physical or mental condition materially impairs her ability to represent the client, and continuing despite known impairment combines that withdrawal violation with a Rule 1.1 competence failure. Pattern-of-malpractice (B), general-fitness obligation (C), and topical-importance framing (D) describe collateral observations rather than the specific rules violated.

48. C — Rule 3.5(b) prohibits ex parte communication with a juror during the proceeding absent legal authorization, and questioning a sitting juror about reactions to testimony during a courthouse recess of an ongoing trial is the paradigm violation. Mistrial procedures (A), unfitness framing (B), and deliberative privacy (D) describe consequences but not the precise rule.

49. D — Rule 8.1(b) prohibits knowingly failing to respond to a lawful demand for information from a disciplinary authority, with an express carve-out for Fifth Amendment privilege but not for blanket attorney-client privilege over the lawyer's own conduct. Per se misconduct framing (A), misrepresentation framing (B), and public-protection framing (C) describe related concerns but not the precise rule violated.

50. B — Rule 1.15(a) and (c) require advance fees and client funds for filing fees and costs to be deposited in the trust account, and Lawyer's deposit of all funds into the operating account is commingling and misappropriation regardless of subjective intent. The intent-irrelevance framing (A) is true but conclusory, while accounting (C) and creditor-exposure (D) describe collateral issues; B states the precise rules.

51. A — Rule 8.2(a) prohibits only false statements about judges and qualified-officials made knowingly or with reckless disregard for truth or falsity. Criticism of legal reasoning grounded in substantive analysis falls outside the prohibition. The First Amendment framing (B) overstates protection, "robust debate" framing (C) is rhetorical, and the academic-speech framing (D) misstates the rule's scope.

52. C — Rule 3.8(a) prohibits a prosecutor from prosecuting a charge known to lack probable cause, and Rule 3.8(d) requires timely disclosure of evidence tending to negate guilt — both of which a continuation without addressing the coerced-confession problem violates. The constitutional-integrity (A), wrongful-conviction (B), and constructive-fraud (D) framings identify real consequences but not the precise rules.

53. A — Rule 1.14 specifically governs clients with diminished capacity and requires the lawyer to take reasonably necessary protective action when she reasonably believes the client cannot adequately act in her own interest, including seeking appointment of a guardian. Client-autonomy framing (B), family-member-guidance framing (C), and fiduciary framing (D) are related but do not state the specific rule.

54. D — Rule 1.7(a)(1) creates a concurrent conflict when one client's representation is directly adverse to another current client, and Rule 1.7(b) requires informed consent confirmed in writing from each affected client. Inherent-incurability (A), switching-sides framing (B), and Rule 1.9 invocation (C, which applies to former clients) misstate the basis; D is the precise rule.

55. C — Rule 1.6(b)(5) is the self-defense exception and permits disclosure to the extent reasonably necessary to establish a defense to a civil claim against the lawyer based on conduct in which the client was involved, or to respond to allegations concerning the lawyer's representation. Self-defense framing (A), implicit-consent framing (B), and termination framing (D) misstate doctrine; C states the precise exception.

56. D — Rule 2.11(A) of the Model Code requires disqualification when the judge's impartiality might reasonably be questioned, and even where outright disqualification may not be required, disclosure of the firm relationship is required at minimum. Judge's silence breaches the rule's disclosure framework regardless of whether disqualification is ultimately required. Subjective-bias inference (A), generalized appearance (B), and financial-benefit framing (C) are weaker.

57. B — Rule 7.1 prohibits false or misleading communications about the lawyer's services, and listing four practice areas — three of which Lawyer practices only minimally — creates a misleading impression of competence breadth that the rule reaches. The implied-warranty framing (A) is contract-law language, federal consumer protection (C) is a different regime, and Rule 1.4 (D) addresses a different obligation.

58. A — Lawyer's interview complies with Rule 4.3's specific limits on dealings with unrepresented persons — proper identification, no implied disinterestedness, no legal advice except to suggest consultation. Comment 7 to Rule 4.2 permits contact with former employees subject to limits on eliciting privileged information, also satisfied. The other options misstate the basis: preparation level (B), categorical exemption (C), and transparent identification (D) do not by themselves establish compliance.

59. B — Rule 6.4 permits a lawyer to serve in organizations involved in law reform notwithstanding effects on the lawyer's clients, and legislative testimony presenting accurate professional views with clear role identification falls within the rule's contemplated participation. First Amendment framing (A) overstates protection generally, Rule 6.1 (C) addresses pro bono service, and evidentiary protection (D) misstates the basis.

60. D — Rule 1.1 requires legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation, and Lawyer's failure to acquire competence through study or association in a federal

securities matter far beyond her traffic-violations experience is paradigmatic incompetence. Sentencing risk (A), specialist-referral norms (B), and ineffective-assistance claims (C) describe collateral consequences rather than the precise rule.