

# PRACTICE EXAM 26: MPRE SIMULATION

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**Time Allotted: 2 hours**

**Format: Modified Facts / Outcome Reversal.** Each question presents a scenario with a stated conclusion (proper or improper, subject to discipline or not), and asks which additional or modified fact, if true, would most likely reverse the outcome. The candidate identifies the doctrinally dispositive fact — the one whose addition or substitution flips the rule's application. Other facts may be relevant or true but do not change the operative analysis.

1. Lawyer represents Buyer and Seller in the same real estate transaction. Lawyer obtained no informed consent from either client and gave them no information about the risks of joint representation. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer reasonably believed she could competently represent both clients and obtained informed consent confirmed in writing from each after fully disclosing the risks of joint representation in the same transaction
- B. Lawyer charged a flat fee that was lower than the combined fees of two separate lawyers
- C. The transaction closed successfully without dispute between Buyer and Seller
- D. Lawyer disclosed her dual role to the closing agent but not directly to the parties themselves

2. Lawyer represents Client in a personal injury matter. Client tells Lawyer to settle for \$50,000. Lawyer never conveys Client's settlement instruction to opposing counsel and never communicates further with Client about the matter. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. Lawyer's case valuation analysis was supported by an independent expert who concluded the case was worth more

B. Lawyer's contingency fee was structured to align her interest with maximizing the eventual recovery

C. After Client's \$50,000 instruction and before Lawyer was obligated to convey it, opposing counsel made an unsolicited written offer of \$200,000 that Lawyer promptly presented to Client, and Client then expressly revised her instructions to authorize Lawyer to negotiate upward from \$200,000 rather than settle at \$50,000

D. The case ultimately settled for \$150,000 with no harm to Client's interests

3. Lawyer at trial calls her own client to testify and elicits testimony Lawyer knows to be false on a material issue. Lawyer takes no remedial action even after the falsity is established. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. Opposing counsel had a full opportunity to cross-examine and did not develop the falsity

B. Upon recognizing the false testimony, Lawyer immediately remonstrated with the client in private to retract the testimony, urged the client to consult with independent counsel, and ultimately disclosed the falsity to the tribunal when client refused to correct the testimony — satisfying Rule 3.3(a)(3)'s remedial measures requirement

C. The false testimony related to a collateral matter that did not affect the case's outcome

D. Lawyer's good-faith belief in the client's overall honesty had existed for years before the testimony

4. Lawyer reveals confidential client information at a continuing legal education panel discussion, identifying the client by name and describing the substance of the representation. Lawyer obtained no consent. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. The CLE audience consisted entirely of lawyers bound by their own confidentiality obligations

B. Lawyer's discussion was for educational rather than personal benefit and made the legal profession better informed

- C. The information Lawyer disclosed had previously been mentioned in public court filings in the case
- D. The client had given informed consent to the disclosure after Lawyer fully disclosed the substance and purpose of the panel discussion, and Lawyer's disclosure remained within the scope of that consent

5. Lawyer accepts a complex tax matter despite no tax experience. Lawyer takes no steps to acquire the necessary competence. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's general litigation experience provided transferable analytical skills useful for complex matters
- B. Before accepting the matter, Lawyer associated with a tax-specialist colleague with the client's informed consent and substantively co-handled the matter such that the combined representation provided was competent
- C. Lawyer ultimately produced a satisfactory result for the client without committing any major errors
- D. Lawyer charged a reduced fee to reflect her limited experience in the area of tax law

6. Lawyer admitted only in State A operates a permanent office in State B handling State B real estate matters for State B clients, without seeking State B admission. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's State B clients were all referred from State A and had pre-existing relationships with Lawyer
- B. State B's bar association has informally tolerated similar conduct by out-of-state lawyers for years
- C. The work Lawyer performed in State B consisted entirely of services authorized by federal law in matters arising under federal authority, such that no State B admission was required under Rule 5.5(d)
- D. Lawyer's State A admission carries informal professional reciprocity with State B for general practice

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 on a claim arising from Client A's business operations during the period of the prior representation. Lawyer obtained no informed consent confirmed in writing from Client A. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Client B's claim arose entirely from events occurring after the formation of Client A's business
- B. Lawyer's prior representation of Client A concluded amicably and on good terms five years before the new matter
- C. Lawyer's billing records show she did not have access to Client A's confidential information during the prior matter
- D. Client A provided informed consent confirmed in writing after Lawyer fully disclosed the nature of the new representation and the materially adverse nature of the dispute

8. Lawyer accepts a new client matter without communicating any fee arrangement to the client until the first invoice arrives. The client had not previously been represented by Lawyer. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The first invoice was sent within thirty days of commencing the representation
- B. Before or within a reasonable time after commencing the representation, Lawyer sent the client a written engagement letter clearly stating the basis or rate of the fee and expenses, which the client acknowledged receipt of and retained as part of the engagement file
- C. Lawyer's hourly rates were substantially below market rates and reasonable on their face
- D. The client had previously retained Lawyer for an unrelated matter and was familiar with Lawyer's general fee structure from that earlier engagement

9. Lawyer files a complaint asserting a claim Lawyer knows is barred by the statute of limitations, with no recognized basis for circumventing the limitations bar. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The defendant did not raise a limitations defense in its answer to the complaint
- B. The complaint included other claims that were clearly within the limitations period

C. Lawyer's complaint also asserted a good-faith argument supported by case-law analysis for extending, modifying, or reversing existing limitations doctrine as applied to Plaintiff's specific factual circumstances

D. Lawyer's filing was prompted by client insistence that the limitations defense be tested in court

10. Lawyer's firm website states "Our lawyers have the highest success rate of any personal injury firm in the state." The claim is based on an informal internal poll. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. The "highest success rate" claim was based on objective, methodologically rigorous data from a publicly verifiable third-party source that documented the firm's success rate in measurable terms, with the basis of the claim and the source disclosed on the website

B. The website included a general disclaimer that "results may vary based on individual circumstances"

C. The website prominently displayed the firm's contact information and licensing jurisdiction

D. The website's success-rate claim was changed shortly after a competitor objected to it

11. Lawyer represents two co-defendants in a criminal trial. The risk of conflict between them is significant. Lawyer obtains no informed consent from either. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. Lawyer reasonably believed she could provide competent and diligent representation to each co-defendant despite the potential conflict; the representation was not prohibited by law; the co-defendants' positions, while creating potential conflict, did not involve directly opposed legal positions; and each gave informed consent confirmed in writing

B. Each co-defendant had previously consulted with separate counsel before retaining Lawyer for joint representation

C. Lawyer charged each co-defendant separately, with no financial entanglement between them

D. The court was aware of and approved Lawyer's joint representation arrangement in advance

12. Lawyer formerly 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 that NDA. Lawyer obtained no informed consent from ABC. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's drafting of the NDA template occurred more than ten years before the new representation began
- B. ABC provided informed consent confirmed in writing after full disclosure of the new representation and the materially adverse nature of the dispute, including the fact that Lawyer personally drafted the very NDA at issue
- C. The former employee's challenge to the NDA is based on legal grounds Lawyer did not consider when she drafted the template
- D. Lawyer has not had any professional contact with ABC since leaving in-house employment years ago

13. Lawyer's solo practice has become unmanageable. Lawyer routinely misses deadlines and drops the ball on filings. Multiple clients have suffered prejudice. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's deadline misses were the result of a single unprecedented surge in cases from an unforeseen event
- B. The deadline misses caused only minor administrative inconvenience and had no substantive impact on case outcomes
- C. Upon recognizing the workload problem at its earliest signs, Lawyer immediately took specific corrective action by hiring qualified support staff, implementing a comprehensive docketing system, and declining new matters until pending matters were stabilized, with the result that no client suffered actual prejudice
- D. Lawyer's professional difficulty was widely understood in her local practice community as a temporary phase

14. Lawyer represents Client. Mid-representation, Lawyer is diagnosed with a serious illness requiring extended treatment. Lawyer fails to arrange substitute counsel or consult with Client about the situation. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Upon learning the diagnosis and treatment timeline, Lawyer immediately gave Client reasonable notice of the situation, took steps to protect Client's interests by associating with replacement counsel of Client's choice, arranged orderly transfer of the files, and refunded any unearned advance fees
- B. Lawyer's medical condition was unforeseeable and entirely beyond her control
- C. Lawyer ultimately recovered and resumed handling the matter without prejudice to Client
- D. Lawyer's solo practice structure made arrangement of substitute counsel objectively difficult

15. Lawyer receives a \$40,000 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 is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer deposited the \$40,000 settlement check into the firm's established attorney trust account, promptly notified Client of receipt, distributed the funds to Client within a reasonable time, and provided Client with a written accounting of the transaction
- B. Lawyer's personal checking account had sufficient funds at all times to cover the \$40,000 disbursement
- C. Lawyer sent the funds to Client within 24 hours as originally planned
- D. The deposit was made into a separate dedicated account for that client's funds, though the account was in Lawyer's personal name rather than a trust account

16. Lawyer at trial makes statements during closing argument asserting personal knowledge of facts in issue and vouching for her client's credibility based on personal acquaintance. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's statements were technically true based on her actual personal knowledge of the client
- B. Opposing counsel did not object to the statements during the closing argument

C. The statements consisted solely of fair commentary on evidence in the record, with Lawyer pointing to specific testimony and exhibits in evidence; Lawyer did not assert personal knowledge of facts in issue and did not state personal opinion on credibility

D. The trial judge instructed the jury that closing argument is not evidence to be considered

17. Judge accepts a \$300 personal gift from Lawyer, who has multiple cases pending before her court. Judge is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. The gift's value represented less than 1% of Judge's annual salary and was reasonable in context

B. Judge had received similar gifts from this lawyer in the past without any disciplinary issue

C. The gift was a single legal treatise that was relevant to Judge's professional work on the bench

D. The "gift" was actually a refund check from the State Bar Association for a CLE registration Judge had overpaid, mistakenly routed through Lawyer's firm because the firm had sponsored the CLE event, and Judge received no individualized gift or benefit from Lawyer at any time

18. Lawyer accepts representation of Client. Lawyer also represents Client's business partner in the same partnership formation. After full explanation of the joint-representation implications and risks, both gave informed consent confirmed in writing, and Lawyer reasonably believed she could competently represent both. Lawyer's conduct is proper.

Which of the following, if true, would most likely reverse that conclusion?

A. The business partners are negotiating opposing positions on capital contributions and decision-making structure

B. Lawyer represents one of the partners in a different unrelated transactional matter

C. After full disclosure was given and consents obtained, Lawyer subsequently discovered the partners' positions were materially adverse on a key partnership term; Lawyer failed to re-evaluate her ability to competently represent each and continued the joint representation without obtaining renewed informed consent

D. The partnership formation is structurally complex and involves multiple jurisdictions

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 the information to authorities to prevent the assault. Lawyer's conduct is proper.

Which of the following, if true, would most likely reverse that conclusion?

- A. Client's threat was made in a moment of anger and Client subsequently reconsidered without acting on it
- B. Authorities took no action on Lawyer's disclosure of Client's statements
- C. Client's "threat" was a hypothetical statement made during legal consultation about a defense theory in pending litigation; Lawyer's belief that the threat was imminent was based on a misreading of the context, and a reasonable lawyer in the same circumstances would not have believed disclosure necessary to prevent reasonably certain death or substantial bodily harm
- D. Lawyer's disclosure included more confidential information than was strictly necessary to convey the threat

20. Lawyer represents Client. Without obtaining Client's authorization, Lawyer enters into a written agreement with opposing counsel substantively settling Client's claim for \$50,000. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The \$50,000 settlement was favorable to Client based on objective valuation criteria
- B. Client subsequently expressed no objection to the settlement when she learned about it
- C. Lawyer's engagement letter contained a general authorization to make "all reasonable settlement decisions" without further client consultation
- D. Before entering the settlement agreement, Lawyer fully discussed the proposed terms with Client, Client expressly authorized Lawyer to accept the \$50,000 settlement on her behalf, and Lawyer executed the agreement immediately to lock in the offer per Client's instruction

21. Lawyer represents Plaintiff in litigation. Lawyer contacts Defendant directly to discuss settlement, knowing Defendant is represented by counsel. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Defendant's counsel expressly authorized Lawyer to communicate directly with Defendant about specific settlement terms for purposes of efficient negotiation, and Defendant's counsel was kept fully informed of the communications between Lawyer and Defendant
- B. Defendant initiated the direct communication with Lawyer rather than the other way around
- C. Defendant later expressed satisfaction with the settlement terms Lawyer proposed during the contact
- D. Lawyer's communication consisted entirely of factual questions rather than legal advice or arguments

22. Lawyer at trial cross-examines a witness using leading questions, fast pacing, and a confrontational tone. The questions are based on facts not in the record. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's confrontational tone was within the range of normal trial advocacy
- B. The witness was a hostile witness, justifying the leading questions under evidentiary rules
- C. Lawyer's cross-examination questions were based on evidence properly in the record — including documents already admitted as exhibits and prior deposition testimony from the same witness — with proper foundation laid for impeachment
- D. The trial judge did not sustain any objections during the cross-examination

23. 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 anyone. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's case decisions ultimately benefited Client's interests despite the lack of consultation
- B. Lawyer maintained the lawyer-client relationship through respectful and patient communications
- C. Client's family was aware of the situation and tacitly approved Lawyer's continued representation

D. Upon recognizing Client's diminished capacity, Lawyer took reasonably necessary protective action under Rule 1.14 — including consulting with Client's authorized family members where possible, seeking the appointment of a guardian or conservator, and limiting her actions to those clearly within the scope of Client's previously expressed wishes

24. Lawyer represents an organization in a regulatory matter. The CEO of the organization asks Lawyer to also represent the CEO personally in a separate dispute. Lawyer does not obtain informed consent from the organization. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The CEO is a controlling shareholder with apparent authority to bind the organization in such matters
- B. The personal matter is wholly unrelated to the organization's business and concerns the CEO's private affairs
- C. The CEO has independent authority to retain personal counsel for personal matters
- D. Lawyer fully disclosed the proposed dual representation to the organization through an appropriate official other than the CEO — such as the board chair or a disinterested board member — and obtained the organization's informed consent under Rule 1.13(g)

25. Lawyer learns that another lawyer at her firm has been routinely lying to clients about case status and filing dates, raising a substantial question about that lawyer's honesty. Lawyer does not report the misconduct to disciplinary authorities. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The information Lawyer learned about the other lawyer's misconduct came to Lawyer through a confidential communication with a client to whom Lawyer owes a duty of confidentiality under Rule 1.6, and the client did not consent to disclosure
- B. Lawyer reported the misconduct to the firm's managing partner rather than directly to disciplinary authorities
- C. Lawyer's firm has activated its own internal disciplinary procedures concerning the matter
- D. Lawyer's report would have damaged her own professional reputation in the broader legal community

26. Lawyer accepts a federal securities fraud defense matter despite no securities law experience. Lawyer takes no steps to acquire competence and proceeds with minimal preparation. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's general criminal defense experience provided transferable analytical skills useful in federal cases
- B. Before accepting the matter, Lawyer associated with experienced securities defense counsel with the client's informed consent and substantively co-handled the case with that counsel, such that the combined representation provided was competent throughout the matter
- C. The case ultimately resolved favorably for the client through a plea bargain that avoided trial
- D. Lawyer's prior representation of corporate clients provided general business experience that proved useful

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 informed consent from the former Client. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's prior representation of Client ended more than five years before the new matter began
- B. Lawyer had no access to Client's confidential information during the prior representation
- C. Lawyer's billing records show the prior matter was minimal and limited to procedural filings
- D. The former Client provided informed consent confirmed in writing after Lawyer fully disclosed the materially adverse nature of the new representation and the substantial relatedness of the custody matter to the prior 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 of the following, if true, would most likely reverse that conclusion?

- A. The forgery related to a collateral issue that did not affect the case's outcome
- B. Upon recognizing the forgery, Lawyer immediately moved to withdraw the exhibit, advised the client of her remedial duty under Rule 3.3(a)(3), and disclosed the forgery to the tribunal when remedial measures short of disclosure failed
- C. Opposing counsel had a fair opportunity to expose the forgery through cross-examination
- D. Lawyer's belief in the exhibit's authenticity was held in good faith at the time the exhibit was offered

29. Lawyer represents Client. Lawyer's communications with Client are sporadic — sometimes weeks pass without contact despite Client's reasonable requests for status updates. Client complains to the bar. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's substantive work product was of high quality and met all court deadlines
- B. Lawyer's communications were consistent with the agreed scope of communication set forth in the engagement letter, Client did not contact Lawyer for status updates beyond what was set forth in that engagement letter, and Lawyer reasonably promptly responded to all of Client's reasonable requests for information
- C. Lawyer's hourly billing reflected substantial time spent on substantive case work
- D. Lawyer's professional schedule made frequent client communications objectively difficult

30. Lawyer represents Client in a personal injury matter. Lawyer is subpoenaed by an opposing party in a separate civil action to disclose information related to Client's representation. Lawyer is preparing to comply with the subpoena. Lawyer's conduct is proper.

Which of the following, if true, would most likely reverse that conclusion?

- A. The opposing party in the separate action has a legitimate evidentiary need for the information
- B. The subpoena was properly served by the opposing party's counsel of record
- C. Lawyer made no effort to consult with Client about the subpoena, did not advise Client of Client's right to assert privilege and seek protective orders, and prepared to disclose without making any reasonable challenge to the subpoena's validity

D. The subpoena was issued by a court of competent jurisdiction in the separate civil action

31. Lawyer's firm operates a website with a "Practice Areas" page listing "Real Estate Law • Family Law • Personal Injury • Criminal Defense." 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 of the following, if true, would most likely reverse that conclusion?

A. Lawyer's general legal training included substantial exposure to all four practice areas during law school

B. Lawyer's website accurately stated her experience in each listed practice area, including the percentage of her practice devoted to each area and clear identification that 95% of her practice involves real estate; the website did not imply any specialization in criminal defense

C. The website included a general disclaimer that "results may vary based on individual circumstances"

D. The website's "Practice Areas" page was last updated within the past twelve months

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 the same prior litigation. Lawyer accepts without ABC's informed consent. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. ABC provided informed consent confirmed in writing after Lawyer fully disclosed the nature of the new representation, the materially adverse interests, and her prior substantial participation in the same matter at issue

B. Lawyer's prior in-house participation was minor and not substantively connected to the new dispute

C. Lawyer's current firm has implemented an effective screen preventing her from working on the matter

D. ABC's interests in the new dispute do not directly conflict with the outcome of the prior litigation

33. Lawyer is suspended for 60 days for an ethics violation. During the suspension, Lawyer continues to perform legal work — drafting pleadings, advising clients on case strategy — for paying clients. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. During the suspension, Lawyer ceased all practice of law in any form — including drafting, advising, and consulting — and did not hold herself out as authorized to practice; the work she did during the suspension was administrative support of a kind any non-lawyer could perform, supervised by another licensed attorney, and was not the practice of law
- B. Lawyer's suspension was technically still under appeal at the time of the work
- C. Lawyer's clients consented to her continued work during the suspension period
- D. Lawyer's billing arrangements continued through her firm rather than through her individually

34. Lawyer represents Plaintiff in litigation. Lawyer makes ex parte contact with the presiding judge to discuss the merits of pending motions. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's ex parte contact was brief and limited to administrative scheduling matters
- B. Lawyer informed opposing counsel after the contact occurred and provided full disclosure of what was discussed
- C. The ex parte contact was specifically authorized by law — for example, a properly noticed ex parte temporary restraining order application following the procedural requirements for such applications — and Lawyer complied with all notice requirements applicable to such authorized contacts
- D. The presiding judge initiated the contact for case management purposes

35. 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 of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's operating account was solely dedicated to that single client's matter and contained no other funds
- B. Lawyer deposited the entire \$35,000 into the firm's client trust account; she withdrew funds from the trust account only as fees were earned and costs were actually expended, with proper documentation of each withdrawal; and she provided Client with periodic accountings reflecting the use of funds
- C. Lawyer's intent to use the funds only for Client's matter was documented in a signed engagement letter
- D. Lawyer's billing rates were below market and reasonable on their face for the services rendered

36. Lawyer represents Client in a contract dispute. Lawyer settles the case for \$50,000 without consulting with Client, despite having multiple opportunities to do so. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The \$50,000 settlement was favorable to Client based on objective valuation criteria
- B. Before entering into the \$50,000 settlement, Lawyer fully discussed the proposed settlement terms with Client, including the strengths and weaknesses of the case, the range of possible outcomes at trial, and the costs of continued litigation; Client expressly authorized Lawyer to accept the \$50,000 settlement
- C. Client subsequently expressed no objection to the settlement after being informed about it
- D. Lawyer's engagement letter included a general authorization to handle the case "as Lawyer deems appropriate"

37. Lawyer admitted only in State A travels to State B for a one-day deposition. Lawyer establishes no office in State B. The deposition relates to a matter pending before State A's federal court. Lawyer's conduct is proper.

Which of the following, if true, would most likely reverse that conclusion?

- A. State B requires non-admitted lawyers to register for limited practice authorization
- B. State B's rules of professional conduct apply by reciprocal agreement to non-admitted lawyers handling matters in the state

C. The deposition was not actually related to a State A federal court matter; instead, Lawyer was establishing a regular and continuous presence in State B by handling matters arising entirely within State B for State B residents, with this "deposition" being the latest in a series of substantial State B activities

D. The deposition involved State B residents as the witnesses

38. Lawyer is asked to represent two co-buyers of a small business with potentially aligned interests. Lawyer obtains informed consent confirmed in writing from each and reasonably believes she can competently represent both. Lawyer's conduct is proper.

Which of the following, if true, would most likely reverse that conclusion?

A. The co-buyers have different financial profiles and risk tolerances

B. After the joint representation began, the co-buyers' interests became materially adverse on a key transaction term — purchase price allocation — and Lawyer failed to re-evaluate her ability to provide competent representation to each in light of the new conflict; she continued the joint representation without obtaining renewed informed consent

C. The transaction involves significant legal complexity in multiple substantive areas

D. Lawyer's billing arrangement provides for a single combined fee paid jointly by both buyers

39. 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. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. Lawyer's condition is treatable with medication and proper professional support

B. Lawyer's clients have expressed continued confidence in her representation despite her diagnosis

C. Lawyer's firm provides oversight and quality control on her work product

D. Upon being diagnosed, Lawyer recognized the impairment, took immediate corrective action — including reducing her caseload, accepting only matters her treating professionals confirmed she could competently handle, associating with co-counsel on more complex matters, and following her treatment plan — such that the impairment no longer materially affected her ability to represent clients competently

40. Judge accepts an invitation to speak at a CLE 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 of the following, if true, would most likely reverse that conclusion?

- A. Judge accepted only reimbursement for actual reasonable travel expenses (not a \$5,000 honorarium), the reimbursement was for permitted extrajudicial activities under Rule 3.14, and Judge made the required public report under Rule 3.15 within the time period required by the Code
- B. Judge's speech was on a politically neutral topic of pure legal procedure
- C. The CLE provider was a recognized continuing legal education organization
- D. Judge donated the \$5,000 honorarium to a registered charity

41. Lawyer files a complaint asserting claims known to be frivolous, with no good-faith argument for extending or modifying existing law. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The complaint included alongside the frivolous claim some claims that were timely and meritorious
- B. The defendant did not move to dismiss the frivolous claim from the complaint
- C. The complaint included a substantive good-faith argument supported by case-law analysis for extending, modifying, or reversing existing law to apply to plaintiff's specific factual circumstances; the argument was non-frivolous and was developed in the complaint with supporting legal authority
- D. The frivolous claim was an alternative theory pleaded among several alternative theories in the complaint

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

Which of the following, if true, would most likely reverse that conclusion?

- A. After Lawyer's withdrawal as mediator and before accepting representation of Han, both parties — Han and Ida — provided informed consent confirmed in writing to Lawyer's representation of Han in the matter
- B. Lawyer's mediator role was brief and procedural rather than substantive in nature
- C. Mediation had failed for reasons unrelated to Lawyer's neutrality as mediator
- D. Lawyer's substantive knowledge of the case from mediation will give Han only minor advantage in litigation

43. Lawyer represents Plaintiff. Lawyer interviews Defendant's former employee, who is unrepresented. During the interview, Lawyer asks pointed questions about Defendant Corporation's privileged communications with corporate counsel during the former employee's tenure. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The former employee voluntarily disclosed privileged information without prompting from Lawyer
- B. The former employee had no legal training and did not understand the concept of corporate privilege
- C. Defendant Corporation's privilege was already waived in the matter through other prior disclosures
- D. Lawyer's interview was carefully structured to avoid eliciting privileged information; Lawyer's questions concerned only the former employee's personal observations and personal knowledge of facts, and Lawyer scrupulously avoided any inquiry into communications with corporate counsel or other matters protected by Defendant's privilege

44. Lawyer's website advertises that her firm has "the lowest fees in town" without any objective basis for the claim. A prospective client retains Lawyer based on the advertisement. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's actual fees are lower than the regional median for similar legal services
- B. The website includes a general disclaimer that "fees may vary based on case complexity"
- C. The "lowest fees in town" language was prominent in font and visual design

D. The claim was based on a documented, recent survey by a credible third-party organization that compared Lawyer's published fee schedule to the published fee schedules of all other firms in the geographic area, with the survey's methodology and source clearly disclosed on the website

45. Lawyer represents Client. Without obtaining consent, Lawyer reveals confidential client information to defend herself against an unrelated personal injury lawsuit brought by a third party for an automobile accident in which Lawyer was the driver. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. The information Lawyer revealed was disclosed in defense of a civil claim against her based on conduct in which Client was involved — for example, a malpractice claim by Client alleging that Lawyer mishandled the matter — and Lawyer's disclosure was limited to what was reasonably necessary under Rule 1.6(b)(5)

B. The third party's lawsuit against Lawyer had a strong likelihood of success on the merits

C. Lawyer's disclosure was limited in scope and conducted discreetly

D. The information disclosed was already partially public through media reports about the matter

46. Lawyer accepts a new client. After commencing the 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 from Client A. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. Lawyer's representation of Client A was on a different matter and concluded before Client B's request

B. Lawyer's substantial work on Client A's matter is held by a different lawyer in her firm

C. The two clients' interests appear aligned despite the procedural adversity of the litigation

D. Lawyer fully disclosed the proposed adverse representation to Client A and obtained Client A's informed consent confirmed in writing; Lawyer reasonably believed she could provide competent and diligent representation to each; the representation did not involve assertion of a claim by one client against another in the same litigation; and Client B also provided informed consent confirmed in writing

47. Lawyer accepts a complex bankruptcy matter despite no bankruptcy experience. Lawyer makes no plan to acquire competence. Lawyer ultimately makes basic procedural errors that harm the client. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's general business experience provided some transferable analytical skills
- B. The bankruptcy errors were minor and easily corrected through subsequent amended filings
- C. Before accepting the matter, Lawyer associated with experienced bankruptcy co-counsel with the client's informed consent; Lawyer also undertook substantial study of bankruptcy law and procedure; and Lawyer's combined representation with co-counsel was competent throughout the matter
- D. Lawyer's hourly rate was set below market to reflect her limited experience in the area

48. Lawyer at trial communicates with a juror during a courthouse recess about a witness's testimony. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The juror did not appear influenced by the conversation in her subsequent deliberations
- B. Lawyer's conversation with the juror was brief and limited in scope
- C. The conversation occurred in a public area of the courthouse rather than a private setting
- D. The "juror" Lawyer spoke with was actually an alternate juror who had been excused before deliberations began and was no longer serving on the case, and the conversation occurred after the trial had concluded and the juror had been formally discharged from service

49. Lawyer is investigated by the state bar following a client complaint. Lawyer receives a formal request for information. Lawyer refuses to respond, asserting only a blanket "attorney-client privilege" as the basis for non-cooperation. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's refusal was a proper invocation of her Fifth Amendment privilege against self-incrimination, asserted in the context of a disciplinary inquiry that could lead to criminal exposure for her own alleged conduct, and not a blanket invocation of attorney-client privilege over her own conduct
- B. Lawyer responded promptly and fully to a different bar investigation in the past
- C. Lawyer's silence in the present matter was based on advice from her own retained counsel
- D. The client whose complaint triggered the investigation has since withdrawn the complaint

50. Lawyer receives a \$50,000 settlement check for 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 of the following, if true, would most likely reverse that conclusion?

- A. Lawyer deposited the \$50,000 check into the firm's established attorney trust account; she promptly notified Client of receipt; she distributed the full \$50,000 to Client within a reasonable time; and she retained proper documentation of the transaction
- B. The personal checking account had sufficient funds to cover the entire \$50,000 at all times
- C. Lawyer sent the funds to Client within 24 hours as originally planned
- D. Lawyer used a separate account dedicated solely to that specific client's funds, though the account was in Lawyer's personal name rather than a designated trust account

51. Lawyer publishes an op-ed accusing a sitting appellate judge of "corruption" and "incompetence," claiming personal knowledge of bribery though in fact Lawyer has no factual basis for such claims. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The judge made a controversial ruling that Lawyer reasonably and strongly disagreed with on legal grounds
- B. Lawyer's op-ed was published in a venue that primarily reaches lawyers and legal scholars rather than the general public
- C. Lawyer's statements were prefaced with the qualifier "in my opinion" before each accusation

D. Lawyer's op-ed criticized the judge's specific legal reasoning in a recent decision, was grounded in substantive analysis of the legal issues, contained no statements about the judge's personal honesty or motivations, and made no factual claims about the judge's conduct outside the four corners of the published opinion

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. Prosecutor is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. Upon learning of the potential coercion issue, Prosecutor promptly investigated the circumstances, concluded after thorough investigation supported by objective evidence that probable cause still existed independent of the contested confession, timely disclosed the coercion issue to defense counsel and the court, and proceeded with the prosecution based on the independent probable cause

B. Prosecutor consulted with senior prosecutorial supervisors before continuing the prosecution

C. The case was a serious felony of significant public interest in the community

D. Prosecutor's continued involvement in the case was supported by the alleged victim's family

53. Lawyer represents Client in litigation. Client refuses to communicate with Lawyer for six weeks despite Lawyer's repeated attempts to reach her. Critical decisions must be made. Lawyer simply makes the decisions herself without further attempts to consult Client. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

A. Lawyer's decisions were objectively reasonable based on the case facts and posture

B. Client's silence reasonably could be interpreted as implied consent to Lawyer's exercise of judgment

C. Faced with Client's continued non-communication despite reasonable efforts to consult, Lawyer sought to withdraw under Rule 1.16(b)(5), gave Client reasonable warning that she would withdraw unless Client communicated, and either obtained Client's communication or — upon further non-response — properly withdrew with the court's permission while protecting Client's interests by reasonable means

D. Lawyer's decisions ultimately had no negative consequences for Client in the litigation

54. Lawyer represents an organization in a regulatory matter. The CFO of the organization asks Lawyer to also represent the CFO personally in a separate dispute, and Lawyer does so without obtaining organization consent. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The CFO's personal dispute is wholly unrelated to the organization's business operations
- B. Lawyer fully disclosed the proposed dual representation to the organization through an appropriate official other than the CFO — such as the board chair, the audit committee chair, or a disinterested board member — and obtained the organization's informed consent under Rule 1.13(g)
- C. The CFO has authority to retain personal counsel without organizational consent
- D. The CFO's personal dispute does not involve any confidential information of the organization

55. Lawyer is sued by a former employee for wrongful termination. The former employee alleges that Lawyer mishandled a client's matter. Lawyer reveals the client's confidential information in her court filings as part of her defense, without obtaining client consent and without exhausting other defense options. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The court filings were sealed by court order to limit public access to the information
- B. Lawyer's disclosure was limited to information reasonably necessary to defend against the former employee's allegations concerning Lawyer's representation of the client; the disclosure did not exceed the scope of Rule 1.6(b)(5); and the disclosure was necessary because the former employee's allegations directly implicated Lawyer's representation of the client
- C. The former employee's allegations were already publicly known through prior reporting
- D. Lawyer's settlement with the former employee included a confidentiality agreement limiting further disclosure

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 does not disclose the relationship to the parties. Judge is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The brother had no financial interest in the specific litigation before Judge
- B. Judge had no day-to-day contact with the firm or its lawyers during the case
- C. The brother's role at the firm was largely ceremonial rather than substantively active
- D. Judge fully disclosed the familial relationship to all parties at the outset of the proceedings, informed them of the brother's role at the firm and his lack of personal involvement, and gave the parties an opportunity to seek disqualification under Rule 2.11(C)

57. Lawyer sends targeted text messages to people identified from purchased police reports as recently injured in car accidents. The messages do not include "Advertising Material" labeling. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The targeted recipients responded positively to the text messages from Lawyer
- B. The text messages prominently included the required "Advertising Material" labeling at the beginning of each communication, were not false or misleading, did not involve coercion or harassment, and otherwise complied with Rule 7.3's requirements for targeted written solicitation
- C. The purchased police reports were public records available to anyone who requested them
- D. The text messages identified Lawyer's firm and provided clear opt-out instructions for recipients

58. Lawyer represents Plaintiff. Lawyer contacts a represented party directly to discuss settlement, knowing the party is represented by counsel. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. The represented party initiated the direct contact with Lawyer
- B. The represented party's counsel — having been fully informed of the proposed communication and consenting to it — expressly authorized Lawyer to communicate directly with the represented party about specific settlement terms, and the represented party's counsel was kept informed of all communications

- C. The settlement discussion concerned only ministerial procedural matters rather than substantive terms
- D. The represented party expressed willingness to discuss settlement directly without involving counsel

59. Lawyer testifies before her state legislature about pending legislation affecting the legal profession. Lawyer falsely claims to have personal knowledge of facts she does not actually know, and her false claims influence the legislative process. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's overall testimony contained much accurate information alongside the false claims
- B. Lawyer's legislative testimony is protected by privilege from civil liability
- C. Lawyer's testimony was based entirely on accurate information from her own practice experience, included no false factual claims, and was framed as her professional opinion on the subject matter — clearly identifying when statements were factual and when they were opinion-based commentary
- D. The pending legislation was eventually defeated through influences other than Lawyer's testimony

60. Lawyer who has primarily handled traffic violations accepts a federal securities fraud defense matter. Lawyer does not associate with experienced counsel, does not undertake substantial study, and proceeds with minimal preparation. Lawyer is subject to discipline.

Which of the following, if true, would most likely reverse that conclusion?

- A. Lawyer's general criminal defense experience in traffic court was transferable to federal cases
- B. The case ultimately resolved favorably for the client through a negotiated plea
- C. Lawyer reduced her fee to reflect her limited experience in federal securities matters
- D. Before accepting the matter, Lawyer associated with experienced federal securities defense counsel; Lawyer also undertook substantial study of securities fraud law and procedure; the client gave informed consent to the joint representation arrangement; and the combined representation was competent throughout the matter

## Practice Exam 26 – Answer Key and Explanations

- 1. A** — Rule 1.7(b)'s informed consent confirmed in writing is the dispositive cure for a concurrent conflict, and the modification supplies the missing element by adding Lawyer's reasonable belief of competent representation, full disclosure of the joint-representation risks, and written consent from both clients. The other options describe collateral facts (fee structure, transaction outcome, indirect disclosure) that do not satisfy Rule 1.7(b)'s specific requirements.
- 2. C** — The dispositive modification is that Client herself superseded the \$50,000 instruction with new instructions before Lawyer was obligated to convey the original — meaning there was no failure to honor authorized settlement instructions in the first place. The other options identify case-value justifications or post-hoc outcomes that do not change the Rule 1.2(a) violation as originally framed.
- 3. B** — Rule 3.3(a)(3) is satisfied by reasonable remedial measures upon learning of falsity, including remonstration with the client, urging retraction, and ultimately disclosure to the tribunal when other measures fail. The modification supplies exactly the remedial sequence the rule requires, while the other options describe collateral facts (opposing-counsel opportunity, materiality, prior belief) that do not satisfy the remedial duty.
- 4. D** — Rule 1.6(a) confidentiality is overcome by informed client consent, and the modification supplies that consent after full disclosure with disclosure remaining within the consent's scope. The audience composition (A), educational purpose (B), and partial public availability (C) do not satisfy Rule 1.6(a)'s consent requirement.
- 5. B** — Rule 1.1 Comment 6 expressly recognizes that competence can be acquired through association with an experienced lawyer with the client's informed consent, and substantive co-handling. The modification supplies exactly that pathway, while transferable skills (A), satisfactory results (C), and reduced fees (D) do not cure the competence violation.
- 6. C** — Rule 5.5(d) authorizes services in another jurisdiction when authorized by federal law in matters arising under federal authority, and the modification reframes Lawyer's activity to fall within that exception. The referral relationships (A), informal tolerance (B), and reciprocity claims (D) do not invoke any recognized Rule 5.5 exception.
- 7. D** — Rule 1.9(a) is overcome by informed consent confirmed in writing from the former client after full disclosure of the materially adverse new representation, which is precisely what the modification supplies. The timing of operations (A), conclusion quality (B), and access patterns (C) do not change the substantial-relatedness analysis or the rule's consent requirement.
- 8. B** — 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, and the modification supplies exactly that — a clear written engagement letter sent within the rule's timeframe. The other options describe invoice timing (A), market rate (C), or prior unrelated representation (D), none of which satisfies the Rule 1.5(b) communication requirement for a new matter.

**9. C** — Rule 3.1 permits a claim if there is a good-faith argument for extension, modification, or reversal of existing law, and the modification supplies exactly such an argument developed in the complaint with case-law support. Defendant waiver (A), companion timely claims (B), and client insistence (D) do not transform a limitations-barred frivolous claim into a permissible one under Rule 3.1.

**10. A** — Rule 7.1 prohibits misleading communications, and a "highest success rate" claim becomes non-misleading when it is supported by objective, methodologically rigorous data from a publicly verifiable third-party source with the methodology disclosed on the website. Disclaimers (B), contact information (C), and post-objection edits (D) do not cure the underlying misleading character of the original unverifiable claim.

**11. A** — Rule 1.7(b) cures a concurrent conflict when the lawyer reasonably believes she can provide competent representation, the representation is not prohibited by law, no client-vs-client litigation is involved, and each client gives informed consent confirmed in writing. The modification supplies all four conditions, while prior consultation (B), separate billing (C), and court approval (D) do not satisfy Rule 1.7(b)'s specific requirements.

**12. B** — Rule 1.9(a)'s prohibition on adverse representation in a substantially related matter is overcome by informed consent confirmed in writing from the former client after full disclosure — precisely what the modification supplies. The passage of time (A), unrelated grounds (C), and absence of subsequent contact (D) do not satisfy the rule's consent requirement.

**13. C** — Rule 1.3 (diligence) and Rule 1.1 (preparation) are not violated when the lawyer recognizes a workload problem at its earliest signs and takes specific corrective action that prevents actual prejudice to clients. The modification removes the "multiple clients have suffered prejudice" element by demonstrating effective preventive action, while explanatory facts about causation (A), severity (B), and community understanding (D) do not cure the underlying diligence failures.

**14. A** — Rule 1.16(d) requires the lawyer to take reasonable steps to protect the client's interests upon termination or substantial inability to continue, including reasonable notice and arrangement of substitute counsel. The modification supplies exactly that protective sequence, while medical-condition framing (B), recovery (C), and structural difficulty (D) do not satisfy the Rule 1.16(d) protective steps.

**15. A** — Rule 1.15 requires deposit of client property in a separate trust account, prompt notification, prompt distribution, and proper documentation — and the modification supplies each element. Sufficient personal-account funds (B), prompt disbursement timing (C), and personally-named dedicated accounts (D) do not satisfy Rule 1.15's separate-trust-account requirement.

**16. C** — Rule 3.4(e) prohibits asserting personal knowledge of facts in issue or stating personal opinion on credibility, but is not violated when commentary is anchored to specific evidence in the record. The modification removes the prohibited assertions entirely by limiting the statements to evidence-grounded commentary, while truth (A), failure to object (B), and judicial instruction (D) do not cure the Rule 3.4(e) violation.

**17. D** — The dispositive modification is that the transfer was not a gift from Lawyer at all — it was a misrouted refund check from an unrelated source. Rule 3.13 prohibits gifts from lawyers with matters

pending before the judge, but a misrouted refund does not constitute a "gift" within the rule's meaning. Salary percentage (A), prior history (B), and professional relevance (C) do not change the gift's character.

**18. C** — Rule 1.7 requires the lawyer to re-evaluate her ability to competently represent both clients and to obtain renewed informed consent when material adversity develops between jointly represented clients. The modification creates the violation by adding the material adversity that develops post-consent without renewed evaluation or consent. The other options describe facts (financial differences, related representation, complexity) that do not by themselves create a material adversity requiring renewed consent.

**19. C** — Rule 1.6(b)(1) authorizes disclosure only to the extent the lawyer reasonably believes necessary to prevent reasonably certain death or substantial bodily harm, and the modification negates the reasonable-belief element by establishing that a reasonable lawyer would not have believed disclosure necessary. Anger-based threats (A), inaction by authorities (B), and over-disclosure scope (D) do not change the reasonable-belief analysis underlying the authorization.

**20. D** — Rule 1.2(a) reserves to the client the decision whether to settle a civil matter, and the modification supplies the missing client authorization. The settlement's favorable terms (A), absence of subsequent objection (B), and general engagement-letter authorization (C) do not satisfy Rule 1.2(a)'s specific authorization requirement for the particular settlement.

**21. A** — Rule 4.2 expressly permits direct communication with a represented party when authorized by that party's counsel. The modification supplies that counsel's authorization and ongoing knowledge of communications, while party initiation (B), party satisfaction (C), and limited subject matter (D) do not satisfy the rule's consent requirement.

**22. C** — Rule 3.4(e) permits vigorous cross-examination grounded in evidence in the record, and the modification supplies exactly that grounding through admitted exhibits and prior deposition testimony with proper foundation. Tone (A), witness hostility (B), and failure of objections (D) do not cure the original Rule 3.4(e) violation rooted in evidence outside the record.

**23. D** — Rule 1.14 requires the lawyer to take reasonably necessary protective action when she reasonably believes a client cannot adequately act in her own interest, including consultation with authorized family members, guardian appointment, and limited action within previously expressed wishes. The modification supplies the protective action the rule requires, while beneficial outcomes (A), respectful communications (B), and tacit family approval (C) do not satisfy Rule 1.14.

**24. D** — Rule 1.13(g) requires informed consent from the organization through an appropriate official other than the constituent before the lawyer for an organization may also represent a constituent. The modification supplies that consent through the board chair or a disinterested board member, while CEO authority (A), unrelated nature (B), and CEO's independent counsel authority (C) do not satisfy the rule.

**25. A** — Rule 8.3(c) expressly exempts information protected by Rule 1.6 confidentiality from the reporting obligation, and the modification supplies that exemption by establishing the information came through a confidential client communication without consent to disclose. Internal firm reporting (B), firm procedures (C), and reputational concerns (D) do not invoke the Rule 8.3(c) exception.

**26. B** — Rule 1.1 Comment 6 recognizes competence acquired through association with experienced counsel with the client's informed consent, and the modification supplies exactly that association with substantive co-handling. Transferable skills (A), favorable outcomes (C), and corporate experience (D) do not satisfy Rule 1.1's competence requirement for a specialized securities matter.

**27. D** — Rule 1.9(a) is overcome by informed consent confirmed in writing from the former client after full disclosure of the materially adverse new representation and the substantial relatedness — exactly what the modification supplies. Time passage (A), absence of confidential information access (B), and minimal prior involvement (C) do not satisfy the rule's consent requirement.

**28. B** — Rule 3.3(a)(3) requires reasonable remedial measures upon learning that material evidence is false, including disclosure to the tribunal when other measures fail. The modification supplies the complete remedial sequence — withdrawal of the exhibit, client advisement, and tribunal disclosure when needed. Materiality (A), cross-examination opportunity (C), and good-faith belief at offering (D) do not cure the duty to remediate once the forgery is known.

**29. B** — Rule 1.4's communication requirement is satisfied when communications are consistent with the agreed scope set forth in the engagement letter and the lawyer reasonably promptly responds to the client's reasonable requests for information. The modification supplies both elements, while substantive quality (A), billing (C), and schedule (D) do not satisfy the rule's communication standards.

**30. C** — Rule 1.6 obligations include reasonable steps to challenge a subpoena, consult with the client about disclosure obligations, and advise the client of the client's rights — and the modification creates the violation by showing the lawyer skipped each of these required steps. Legitimate evidentiary need (A), proper service (B), and competent jurisdiction (D) do not eliminate the lawyer's specific obligations to challenge and consult.

**31. B** — Rule 7.1 is satisfied when the lawyer's website communication is not misleading; an accurate statement of practice areas, including the percentage of practice devoted to each, does not create a misleading impression of specialization. The modification eliminates the misleading character, while general training (A), disclaimers (C), and recent updates (D) do not cure the misleading specialization implication.

**32. A** — Rule 1.9(a) prohibits adverse representation in a substantially related matter, but is overcome by informed consent confirmed in writing from the former client after full disclosure — exactly what the modification supplies. Minor prior participation (B), screening (C), and absence of direct conflict (D) do not satisfy the rule's consent requirement when substantial relatedness exists.

**33. A** — Rule 5.5(a) prohibits the practice of law during suspension; the rule is not violated when the lawyer performs only administrative work that a non-lawyer could perform, ceases all practice of law, and does not hold herself out as authorized. The modification reframes the work as non-legal administrative support, while pending appeal (B), client consent (C), and billing arrangements (D) do not change the unauthorized-practice analysis.

**34. C** — Rule 3.5(b) prohibits ex parte communication with a judge during a proceeding "unless authorized to do so by law or court order," and the modification places the contact within that explicit

exception by reframing it as a properly noticed and procedurally authorized ex parte application. Brevity (A), subsequent disclosure (B), and judge initiation (D) do not invoke the rule's express authorization carve-out.

**35. B** — Rule 1.15 requires deposit of advance fees and client funds in the trust account with withdrawal only as fees are earned and costs are expended, accompanied by proper documentation and periodic accountings — exactly what the modification supplies. Dedicated operating account (A), documented intent (C), and reasonable rates (D) do not cure the commingling violation in the original facts.

**36. B** — Rule 1.2(a) reserves the settlement decision to the client; the rule is satisfied when the lawyer fully discusses settlement with the client, the client authorizes the specific settlement, and the lawyer acts on that authorization. The modification supplies the complete consultation-and-authorization sequence. Favorable terms (A), absence of subsequent objection (C), and general handling authorization (D) do not satisfy Rule 1.2(a)'s specific authorization requirement.

**37. C** — Rule 5.5(c)(2) permits temporary practice in another jurisdiction only when the services are reasonably related to a pending or potential proceeding in the lawyer's home jurisdiction. The modification reverses the conclusion by removing that connection — the activity becomes a regular and continuous State B practice, putting it outside Rule 5.5(c)(2). State B registration (A), reciprocal agreements (B), and witness location (D) do not change the multijurisdictional-practice analysis.

**38. B** — Rule 1.7 requires the lawyer to re-evaluate her ability to competently represent both clients and obtain renewed informed consent when material adversity develops after the initial consent. The modification supplies exactly that post-consent material adversity without renewed evaluation or consent, while financial profiles (A), complexity (C), and combined fees (D) do not by themselves require renewed consent.

**39. D** — Rule 1.16(a)(2) requires withdrawal when a mental condition materially impairs the lawyer's ability to represent the client; the rule is not triggered when the lawyer takes immediate corrective action that eliminates the material impairment. The modification supplies the corrective sequence that eliminates the material-impairment trigger, while treatability (A), client confidence (B), and firm oversight (C) do not eliminate the impairment itself.

**40. A** — Rule 3.14 permits judges to receive reimbursement of actual reasonable expenses for permitted extrajudicial activities, and Rule 3.15 requires public reporting of such reimbursement — both of which the modification supplies. The other options describe topic neutrality (B), provider legitimacy (C), and charitable redirection (D), none of which addresses the Rule 3.14/3.15 framework.

**41. C** — Rule 3.1 permits a claim that includes a good-faith argument for extending, modifying, or reversing existing law, and the modification supplies exactly such an argument developed in the complaint with case-law support. Companion meritorious claims (A), absence of dismissal motion (B), and alternative pleading (D) do not transform a frivolous claim into a permissible one under Rule 3.1.

**42. A** — 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.

The modification supplies that all-party consent. Mediator-role characterization (B), reasons for mediation failure (C), and limited advantage (D) do not satisfy the rule's consent requirement.

**43. D** — Comment 7 to Rule 4.2 permits interviews of unrepresented former employees subject to limits on eliciting information protected by the corporation's privilege, and Rule 4.3 governs proper conduct with unrepresented persons. The modification reverses the violation by carefully structuring the interview to avoid eliciting privileged information, while voluntary disclosure (A), employee inexperience (B), and prior waiver (C) do not address the lawyer's affirmative duty to avoid the elicitation.

**44. D** — Rule 7.1's prohibition on misleading communication is satisfied when the claim is supported by a documented, methodologically rigorous third-party survey with the methodology and source disclosed. The modification supplies that objective basis and transparent disclosure, while actual fee competitiveness (A), general disclaimer (B), and visual prominence (C) do not cure the underlying lack of objective support for the original claim.

**45. A** — Rule 1.6(b)(5) permits disclosure to the extent reasonably necessary to defend against a civil claim against the lawyer based on conduct in which the client was involved. The modification supplies the client-involvement element by reframing the defense as one to a malpractice claim by the client about the matter, while the third-party suit's likelihood of success (B), limited disclosure (C), and partial publicity (D) do not invoke the Rule 1.6(b)(5) exception.

**46. D** — Rule 1.7(b) cures a concurrent conflict when the lawyer reasonably believes she can competently represent each client, the representation is not prohibited by law, no client-vs-client litigation is involved, and each client gives informed consent confirmed in writing. The modification supplies all four conditions, while the matter's nature (A), file location (B), and apparent alignment (C) do not satisfy Rule 1.7(b)'s requirements.

**47. C** — Rule 1.1 Comments 2 and 6 recognize competence acquired through study and through association with experienced counsel — both of which the modification supplies along with client consent. Transferable skills (A), error correctability (B), and below-market rates (D) do not satisfy Rule 1.1's competence requirement for a specialized bankruptcy matter.

**48. D** — Rule 3.5(b) prohibits ex parte communication with a juror "during the proceeding," and the modification places the contact outside that temporal scope — with an excused alternate juror after trial conclusion and formal discharge. Influence (A), brevity (B), and public location (C) do not change the during-the-proceeding analysis when the contact actually occurs within that timeframe.

**49. A** — Rule 8.1(b) prohibits failure to respond to a disciplinary authority's lawful demand, but expressly preserves the Fifth Amendment privilege against self-incrimination. The modification reverses the violation by reframing Lawyer's refusal as a Fifth Amendment invocation in a context where her own conduct exposes her to criminal liability, while past cooperation (B), counsel's advice (C), and complaint withdrawal (D) do not invoke the Fifth Amendment carve-out.

**50. A** — Rule 1.15 requires deposit of client funds in a separate trust account, prompt notification of receipt, prompt distribution, and proper documentation — exactly what the modification supplies.

Sufficient personal-account funds (B), prompt disbursement timing (C), and personally-named dedicated accounts (D) do not satisfy the rule's separate-trust-account requirement.

**51. D** — Rule 8.2(a) prohibits only knowingly false statements or statements made with reckless disregard for truth or falsity concerning judges; reasoned criticism of legal reasoning grounded in substantive analysis falls outside the rule's prohibition. The modification reverses the violation by removing the false factual claims and limiting commentary to reasoned legal analysis. Reasonable disagreement (A), audience composition (B), and opinion qualifiers (C) do not cure the underlying false factual claims in the original facts.

**52. A** — Rule 3.8(a) prohibits prosecuting a charge known to lack probable cause, and Rule 3.8(d) requires timely disclosure of evidence that negates guilt. The modification reverses the violation by establishing independent probable cause through investigation and timely disclosure of the coercion issue. Supervisor consultation (B), case seriousness (C), and family support (D) do not satisfy the prosecutor's specific Rule 3.8 obligations.

**53. C** — Rule 1.16(b)(5) permits withdrawal when the client substantially fails to fulfill an obligation regarding the lawyer's services after reasonable warning. The modification reverses the violation by establishing Lawyer's proper procedural response — warning, withdrawal under Rule 1.16(b)(5), and protection of Client's interests — rather than unilateral decision-making. Decision quality (A), implied consent (B), and absence of negative consequences (D) do not satisfy the rule.

**54. B** — Rule 1.13(g) requires informed consent from the organization through an appropriate official other than the constituent before the lawyer for an organization may also represent a constituent. The modification supplies that consent through the board chair, audit committee chair, or disinterested board member. Unrelated nature (A), CFO authority (C), and absence of confidential information (D) do not satisfy the rule.

**55. B** — Rule 1.6(b)(5) permits disclosure to the extent reasonably necessary to respond to allegations concerning the lawyer's representation of the client, and the modification supplies the necessary calibration — disclosure limited to what was reasonably necessary and tied to allegations directly implicating Lawyer's representation. Sealing (A), pre-existing public knowledge (C), and settlement confidentiality (D) do not satisfy the Rule 1.6(b)(5) reasonable-necessity standard.

**56. D** — Rule 2.11(C) permits parties to remit disqualification after full disclosure of the basis for disqualification on the record, and the modification supplies that disclosure framework — full disclosure of the familial relationship at the outset with opportunity for the parties to seek disqualification. The brother's financial interest (A), Judge's contact level (B), and the brother's role characterization (C) do not satisfy the Rule 2.11(C) disclosure framework.

**57. B** — Rule 7.3 permits targeted written solicitation when it includes "Advertising Material" labeling, is not false or misleading, and does not involve coercion or harassment. The modification supplies the missing labeling and the other compliance elements, while recipient response (A), public record availability (C), and identification with opt-out (D) do not satisfy the specific labeling requirement.

**58. B** — Rule 4.2 expressly permits direct communication with a represented party when authorized by that party's counsel. The modification supplies that counsel's express authorization and ongoing knowledge, while party initiation (A), procedural subject matter (C), and party willingness (D) do not satisfy the rule's consent requirement.

**59. C** — Rule 6.4 permits a lawyer to participate in law-reform activities, but the violation in the original facts arises from the false factual claims. The modification reverses the violation by removing the false claims and limiting testimony to accurate information from practice experience framed appropriately as opinion when opinion-based. Overall accuracy alongside falsity (A), legislative privilege (B), and ultimate defeat (D) do not cure the false statements themselves.

**60. D** — Rule 1.1 Comments 2 and 6 recognize competence acquired through study and through association with experienced counsel, and the modification supplies both pathways along with client consent and competent combined representation throughout. Transferable experience (A), favorable outcome (B), and reduced fees (C) do not satisfy Rule 1.1's competence requirement for a specialized federal securities matter.