

PRACTICE EXAM 29: MPRE SIMULATION

Time Allotted: 2 hours

Format: Sequencing / Priority Action. Each question presents a scenario where a lawyer (or judge) faces multiple obligations, competing duties, or several possible courses of action, and asks what must be done first or which action must take priority. The candidate identifies the temporally or doctrinally prior action. Other options may describe actions that are appropriate later in the sequence, actions that don't address the primary issue, or actions that would themselves violate a rule.

1. Lawyer represents Plaintiff in a contract dispute. Mid-representation, Lawyer is approached by Defendant — represented by separate counsel — who wants Lawyer to also represent her on an unrelated matter. The unrelated matter would create a concurrent conflict because Defendant is currently directly adverse to Plaintiff. What must Lawyer do first?

- A. Discuss the new representation request with Plaintiff to determine if she would consent to Lawyer's dual representation
- B. Determine whether the conflict is consentable under Rule 1.7(b)(1)–(3) and, if so, obtain informed consent confirmed in writing from both Plaintiff and Defendant before accepting the new representation
- C. Withdraw from the Plaintiff matter to eliminate the conflict before accepting the new matter
- D. Refer Defendant to a colleague to handle the unrelated matter without further analysis

2. Lawyer has just been retained by Client to handle a complex commercial dispute. The engagement is at its outset and no substantive work has yet been done. What must Lawyer do first regarding the fee arrangement?

- A. Begin substantive work on the matter and address fee documentation later
- B. Set Lawyer's hourly rate based on the market for similar work in the region

- C. Communicate the scope of the representation and the basis or rate of the fee and expenses to Client, preferably in writing, before or within a reasonable time after commencing the representation
- D. Obtain a court order approving the fee arrangement before commencing substantive work

3. Lawyer is about to file a complaint. Before filing, what must Lawyer do first to comply with her professional obligations under Rule 3.1?

- A. Determine that there is a basis in law and fact for the claim that is not frivolous, including any good-faith argument for extension, modification, or reversal of existing law as applied to the client's specific facts
- B. Calculate the maximum recovery available under the relevant statute of damages
- C. Verify that the defendant has been properly served in accordance with applicable procedural rules
- D. Confirm with Lawyer's malpractice carrier that the matter is covered under the firm's policy

4. Lawyer represents Client. Client tells Lawyer in confidence that she intends to commit an assault on a third party that Lawyer reasonably believes is imminent and likely to cause substantial bodily harm. Before disclosing the threat to authorities, what must Lawyer do first?

- A. Consult with the third party to determine the level of risk Client poses to her
- B. Notify Client's family that Client has expressed dangerous intent toward the third party
- C. Report the threat to disciplinary authorities for review of Lawyer's planned conduct
- D. Take reasonable steps to dissuade Client from carrying out the threatened conduct and counsel Client about the legal consequences of doing so, before resorting to disclosure under Rule 1.6(b)(1)

5. Lawyer is offered a complex tax matter in an area where Lawyer has no experience. Lawyer wants to accept the matter. Before accepting, what must Lawyer do first to ensure Rule 1.1 competence?

- A. Set a fee that reflects the additional time required to learn the area of law
- B. Notify Lawyer's malpractice insurer of the planned new engagement
- C. Begin substantive work on the matter to develop familiarity with the issues through doing

D. Determine whether Lawyer can acquire the necessary competence through reasonable study or by associating with experienced counsel before commencing the substantive representation, with the client's informed consent where required

6. Lawyer admitted in State A is offered a matter that would require Lawyer to perform legal services in State B, where Lawyer is not admitted. Before accepting the matter, what must Lawyer do first?

A. Determine whether Lawyer's planned activities in State B fall within an exception to State B's general prohibition on unauthorized practice, such as the temporary multijurisdictional practice provisions of Rule 5.5(c)

B. Notify the State B bar of Lawyer's planned activities and request informal permission to proceed in the state

C. Associate with a State B-admitted lawyer to handle all State B activities directly without further analysis

D. File a notice of appearance with the State B courts in which Lawyer plans to appear

7. Lawyer is offered representation of Prospective Client in litigation against Lawyer's current client, Existing Client, on a wholly unrelated matter. Before accepting the new matter, what must Lawyer do first?

A. Withdraw from representation of Existing Client to eliminate the concurrent conflict

B. Notify Existing Client of the proposed new representation and obtain Existing Client's consent without further conflict analysis

C. Determine whether the new representation would create a concurrent conflict under Rule 1.7(a)(1) and, if so, whether the conflict is consentable and whether both clients can give informed consent confirmed in writing

D. Consult with the firm's general counsel for guidance on how to proceed with the request

8. Lawyer represents Client. Client communicates to Lawyer her decision about a fundamental matter — specifically, whether to plead guilty in her criminal case. What must Lawyer do first in response?

A. Honor Client's decision and execute it through appropriate procedural action under Rule 1.2(a), regardless of whether Lawyer agrees with the decision on strategic grounds

- B. Persuade Client to reconsider the decision in light of Lawyer's strategic judgment about the case
- C. Document the decision in writing for the file but defer execution pending further consultation
- D. Consult with Client's family members to ensure consensus on the decision before acting

9. Lawyer at trial learns that her client has just given testimony Lawyer knows to be false on a material issue. The trial is still ongoing. What must Lawyer do first?

- A. Counsel the client privately to retract or correct the false testimony, urging the client to take the necessary remedial steps before the lawyer must do so directly under Rule 3.3(a)(3)
- B. Move for a mistrial immediately to halt the proceedings before further reliance on the testimony
- C. Withdraw from the representation to avoid further association with the false testimony
- D. Report the false testimony to the disciplinary authorities for their review of the situation

10. Lawyer is developing a firm website that will advertise her services. Before publishing the website, what must Lawyer do first to ensure compliance with Rule 7.1?

- A. Submit the website content to the state bar for pre-publication review and approval
- B. Review all proposed website content to confirm that no statement is false or misleading and that no superlative claim is unverifiable or likely to create unjustified expectations
- C. Include general disclaimers stating that "results may vary based on individual circumstances"
- D. Compare the website content against the websites of competing firms in the same practice area

11. Lawyer represents Client. Lawyer discovers that her own personal interest — specifically, ownership of a significant stake in a company that is a defendant in Client's matter — creates a conflict with Client's interests. What must Lawyer do first?

- A. Disclose the personal interest to Client immediately, evaluate whether the conflict is consentable under Rule 1.7(a)(2), and either obtain informed consent confirmed in writing or withdraw from the representation
- B. Sell the personal interest to eliminate the conflict before disclosing it to Client
- C. Consult with the firm's general counsel about the personal interest before taking action

D. Document the personal interest in the firm's conflict-checking system for future reference

12. Lawyer formerly served as a government lawyer. Lawyer is now in private practice and is offered a matter in which she personally and substantially participated as a government lawyer. What must Lawyer do first?

- A. Accept the matter and notify Lawyer's current government employer of the engagement
- B. Decline the matter without further analysis as a per se prohibition under the conflict rules
- C. Determine whether the appropriate government agency has given informed consent confirmed in writing under Rule 1.11(a), without which Lawyer cannot represent any client in connection with the matter
- D. Verify that the matter is unrelated to Lawyer's prior government work before proceeding

13. Lawyer's solo practice has grown faster than expected. Lawyer recognizes she is now at risk of missing deadlines on multiple matters. Before any deadline is actually missed, what must Lawyer do first?

- A. Increase Lawyer's billable hours per week to address the higher volume of work
- B. Take immediate steps to ensure reasonable diligence under Rule 1.3, including hiring qualified support staff, implementing or strengthening a docketing system, declining or referring new matters, and notifying affected clients of any potential delays
- C. File extensions of time on all pending matters to create scheduling flexibility
- D. Notify clients that Lawyer is too busy to handle their matters efficiently in the short term

14. Lawyer represents Client. Client has expressed frustration with Lawyer's strategy but has not formally terminated the representation. Lawyer believes the lawyer-client relationship has become irreparably damaged. Before withdrawing, what must Lawyer do first?

- A. File a motion to withdraw with the court immediately to formalize the separation
- B. Return all advance fees to Client to avoid any dispute over funds during withdrawal
- C. Cease all communications with Client to make the withdrawal process cleaner
- D. Determine whether Rule 1.16(b)'s permissive withdrawal grounds support withdrawal and, if so, give Client reasonable notice and an opportunity to obtain other counsel before withdrawing under Rule 1.16(d)

15. Lawyer receives a \$40,000 settlement check payable to Client. The settlement is partly payable to Client and partly subject to a known third-party claim — a hospital lien for medical expenses. What must Lawyer do first with the funds?

- A. Distribute the full \$40,000 to Client immediately and let Client address the lien
- B. Pay the hospital lien from the funds without further notification to Client of the action
- C. Deposit the entire \$40,000 in the firm's client trust account, promptly notify both Client and the hospital of receipt, and hold the disputed portion in trust pending resolution of the lien claim under Rule 1.15(e)
- D. Use a portion of the funds to pay Lawyer's earned fees first before addressing any disputed amounts

16. Lawyer represents Plaintiff in litigation. Lawyer learns that the presiding judge made a critical evidentiary ruling that Lawyer believes was clearly erroneous and prejudicial. The trial is still ongoing. What must Lawyer do first to preserve Lawyer's client's appellate rights?

- A. Send a letter to the presiding judge requesting reconsideration of the ruling at the next break
- B. File an interlocutory appeal immediately to seek immediate review by a higher court
- C. Make a timely and specific objection on the record at the time of the ruling, stating the grounds for the objection so the trial court has an opportunity to address the issue
- D. Move for a new trial on the basis of the erroneous ruling after the verdict is rendered

17. Judge presiding over a complex commercial case learns that her brother is a senior partner at one of the firms appearing before the court, though her brother is not personally involved in the litigation. What must Judge do first?

- A. Disclose the familial relationship to all parties on the record at the earliest opportunity, identify the brother's role at the firm and his lack of personal involvement in the matter, and give the parties an opportunity to seek disqualification under Rule 2.11(C)
- B. Recuse herself from the case immediately without further notice to the parties
- C. Continue presiding without comment, since the brother is not personally involved in the matter
- D. Consult informally with another judge before deciding what action to take

18. Lawyer is asked to represent two clients in a transactional matter where their interests are aligned at the outset. Before accepting the joint representation, what must Lawyer do first?

- A. Determine whether Lawyer can reasonably believe she can competently and diligently represent each client; whether the representation is prohibited by law; whether the representation involves client-vs-client litigation; and whether informed consent confirmed in writing can be obtained from each — the Rule 1.7(b) conditions
- B. Set a single combined fee that both clients will share for the joint representation
- C. Draft a joint engagement letter that covers both clients in a single document
- D. Compare the clients' interests in the matter at the time of engagement against published industry norms

19. Lawyer represents Client. Lawyer receives a subpoena from an opposing party in a separate civil action seeking information related to Client's representation. What must Lawyer do first?

- A. Comply with the subpoena promptly to avoid contempt of the issuing court
- B. Refuse to respond to the subpoena, asserting blanket attorney-client privilege as the basis for non-compliance
- C. Consult with Client about the subpoena, advise Client of Client's right to assert privilege and seek protective relief, and take reasonable steps to challenge the subpoena before any disclosure occurs
- D. Notify the opposing party's counsel that the subpoena is improper without further explanation

20. Lawyer represents Client in litigation. The opposing party makes a settlement offer that Lawyer believes is reasonable but the decision belongs to Client. What must Lawyer do first?

- A. Negotiate with the opposing party to improve the offer before consulting Client about it
- B. Communicate the settlement offer to Client promptly under Rule 1.4(a), along with Lawyer's evaluation of the offer in light of the strengths and weaknesses of the case
- C. Accept the offer if it falls within the range of Lawyer's prior settlement authority from Client
- D. Reject the offer if Lawyer believes a better outcome is achievable at trial without consulting Client

21. Lawyer represents Plaintiff in litigation. Lawyer wants to interview a non-party witness who has personal knowledge of the events. The witness is unrepresented. What must Lawyer do first when initiating contact?

- A. Identify herself, disclose that she represents Plaintiff (not the witness), avoid stating or implying that she is disinterested, and refrain from giving the witness legal advice except to suggest the witness obtain counsel if the witness's interests appear adverse to Lawyer's client — the Rule 4.3 requirements
- B. Obtain the witness's signed statement before any substantive interview occurs
- C. Conduct the interview at the firm's office to ensure a professional setting
- D. Pay the witness a reasonable fee for the witness's time before commencing the interview

22. Lawyer represents Plaintiff in litigation. Lawyer is preparing a motion that includes specific evidence Lawyer obtained from a third-party witness. Before filing, Lawyer realizes the evidence may have been obtained in violation of attorney-client privilege between the opposing party and its counsel. What must Lawyer do first?

- A. Cease use of the privileged information, notify the opposing party's counsel that Lawyer has inadvertently obtained material that may be privileged, and take reasonable measures to return or sequester the material pending resolution of the privilege question — the Rule 4.4(b) sequence
- B. Use the evidence in the motion since Lawyer obtained it without violating any rule herself
- C. Notify the court that privileged material has been obtained and request guidance from the bench
- D. Discard the evidence and continue with the motion as originally drafted without further action

23. Lawyer represents Client. Lawyer is approached by a new prospective client, Prospective Client, who wants to retain Lawyer for a matter related to but distinct from the matter Lawyer is handling for Client. What must Lawyer do first?

- A. Begin substantive work on the new matter to determine the extent of overlap with Client's matter
- B. Determine whether accepting the new matter would create a conflict of interest with Client's existing matter under Rules 1.7 (current client) or 1.9 (former client, if applicable), and, if so, address the conflict before accepting
- C. Decline the new matter without analysis to preserve the existing client relationship
- D. Disclose Client's confidential information to Prospective Client to assess the fit of the new matter

24. Lawyer represents Client. Mid-representation, Lawyer realizes that an earlier representation of another client — now a former client — may have created a substantial relationship to the current matter. What must Lawyer do first?

- A. Continue the current representation while researching the conflict issue in the background
- B. Determine whether the current matter is the same as or substantially related to the prior matter under Rule 1.9(a) and, if so, evaluate whether the former client's informed consent confirmed in writing can be obtained to continue the representation
- C. Withdraw from the current representation immediately without consulting either client about the situation
- D. Notify only the former client of the potential conflict and proceed with the current representation

25. Lawyer learns that another lawyer at her firm has been routinely lying to clients about case status. The misconduct raises a substantial question about that lawyer's honesty. What must Lawyer do first?

- A. Determine whether the information she has learned is protected by Rule 1.6 confidentiality — if not, the misconduct must be reported to the appropriate professional authority under Rule 8.3(a)
- B. Confront the other lawyer directly and demand that the misconduct stop immediately
- C. File a malpractice claim on behalf of any clients who suffered harm from the misconduct
- D. Contact local law enforcement to report the conduct as potentially criminal in nature

26. Lawyer accepts a new matter that involves a specialized practice area in which Lawyer has minimal experience. The client has not been informed of Lawyer's experience level. What must Lawyer do first?

- A. Begin substantive work on the matter to acquire familiarity with the area through doing the work
- B. Charge a reduced fee to reflect Lawyer's limited experience in the specialized area
- C. File an extension of time to allow Lawyer to learn the area before active work begins
- D. Determine how Lawyer will acquire the necessary competence — through reasonable study, association with experienced counsel, or both — and disclose the relevant facts about Lawyer's experience to the client where required to obtain informed consent for any non-standard arrangement

27. Lawyer received a formal letter from the state bar investigating a complaint filed by a former client. The letter requests a written response to specific allegations. What must Lawyer do first?

- A. Determine whether the request can be answered without violating Rule 1.6 confidentiality and, if so, prepare a complete and truthful response in accordance with Rule 8.1(b)'s requirement to not knowingly fail to respond to a lawful demand for information from a disciplinary authority
- B. Ignore the request and assert blanket attorney-client privilege without explanation of the position
- C. Hire personal counsel before any response is sent to the bar regarding the complaint
- D. Contact the complaining former client to discuss withdrawal of the complaint before responding

28. Lawyer at trial offers a document as exhibit. After the document is admitted, Lawyer learns the document is a forgery created by Lawyer's own client. What must Lawyer do first?

- A. Move for a mistrial to halt the proceedings before further reliance on the document
- B. Withdraw from the representation immediately and notify the court of the withdrawal
- C. Counsel the client privately to retract or correct the false evidence, urging the client to take the necessary remedial steps before the lawyer must do so directly, and disclose the forgery to the tribunal under Rule 3.3(a)(3) if remediation fails
- D. Withdraw the document from the trial record without explanation to the court or the parties

29. Lawyer represents Client. Lawyer's representation has lasted six months. Client now contacts Lawyer wanting to discuss a settlement offer that opposing counsel has made. Client expresses uncertainty about whether to accept the offer. What must Lawyer do first?

- A. Decide for Client based on Lawyer's professional judgment about the offer's adequacy
- B. Refer Client to outside counsel for a second opinion on the settlement offer
- C. Communicate the offer to Client with sufficient information to allow Client to make an informed decision under Rule 1.4(b), including Lawyer's evaluation of the offer's strengths and weaknesses and the likely outcomes of further litigation
- D. Reject the offer without further consultation if Lawyer believes a better outcome is achievable

30. Lawyer represents Client. Lawyer needs to discuss case strategy with a paralegal in Lawyer's firm who will assist with research. The paralegal is not yet bound by any specific confidentiality agreement with Client. What must Lawyer do first?

- A. Discuss the strategy openly with the paralegal as a regular member of the firm
- B. Ensure that the paralegal understands the confidentiality obligations applicable to information related to Client's representation and that the firm has reasonable measures in place to ensure the paralegal acts compatibly with Lawyer's confidentiality obligations under Rule 5.3
- C. Obtain Client's specific consent for the paralegal to access the file before any discussion
- D. Limit the paralegal's involvement to non-substantive administrative tasks only

31. Lawyer wants to launch a targeted text-message advertising campaign to people identified as recently injured in car accidents. Before sending any messages, what must Lawyer do first?

- A. Verify that the recipients' contact information was lawfully obtained from the source
- B. Hire a marketing firm to manage the campaign efficiently and professionally
- C. Include disclaimers about typical results in the messages before sending them
- D. Confirm the proposed communications comply with Rule 7.3 — including the required "Advertising Material" labeling at the beginning of the message, no false or misleading statements, no coercion or harassment, and compliance with all other applicable rules

32. Lawyer is asked to serve as a third-party neutral in a complex business dispute. Before accepting the appointment, what must Lawyer do first?

- A. Negotiate Lawyer's fee for the neutral services with the appointing parties
- B. Notify Lawyer's current firm partners of the planned engagement as a neutral
- C. Determine whether any of the parties to the dispute are Lawyer's current or former clients on related matters, evaluate whether the appointment is otherwise consistent with Rule 2.4 governing third-party neutrals, and disclose any prior or current relationships with the parties to all parties before accepting
- D. Confirm that the dispute is within Lawyer's general area of expertise and experience

33. Lawyer is offered representation of Client A. During Lawyer's conflict check, Lawyer's firm discovers that Lawyer's partner represents a party adverse to Client A in a different matter. Before accepting the representation, what must Lawyer do first?

- A. Accept the representation since the matters are different in subject and parties
- B. Refer Client A to another firm without further evaluation of the situation
- C. Notify Client A of the firm conflict and obtain Client A's general consent to proceed
- D. Determine whether the partner's representation creates an imputed conflict under Rule 1.10, evaluate whether the conflict can be cured under Rules 1.7(b) and 1.10, and, if so, obtain the required informed consents confirmed in writing from both clients

34. Lawyer at trial intends to cross-examine the opposing party's key witness. Before commencing the cross-examination, what must Lawyer do first?

- A. File a motion in limine to limit the scope of the cross-examination in advance
- B. Review the witness's prior statements, prepare specific questions based on evidence properly in the record (deposition transcripts, admitted exhibits, prior testimony) with proper foundation for any impeachment, and identify the issues on which cross-examination will be productive
- C. Notify the trial judge that cross-examination will be vigorous and lengthy
- D. Coordinate with co-counsel to divide the cross-examination questioning among multiple lawyers

35. Lawyer receives a settlement check for \$80,000 payable to Client. Of the total, \$20,000 is for Lawyer's earned contingency fee, \$5,000 is for documented case expenses Lawyer advanced, and \$55,000 is for Client. What must Lawyer do first with the check?

- A. Disburse the funds immediately to each recipient before depositing the check
- B. Deposit Lawyer's fee portion and expenses into the operating account and Client's portion directly into the trust account
- C. Endorse the check over to Client directly and let Client distribute the various portions of the funds
- D. Deposit the entire \$80,000 into the firm's client trust account, promptly notify Client of receipt, and disburse from the trust account in accordance with proper Rule 1.15 accounting — Lawyer's earned fee and reimbursed expenses to the operating account, Client's portion to Client

36. Lawyer represents Client. Lawyer believes she has finished the substantive work on the engagement and is preparing to close the file. Before closing, what must Lawyer do first?

- A. Take steps to protect Client's interests under Rule 1.16(d), including giving Client reasonable notice that the representation is concluding, providing Client with copies of all relevant documents Client is entitled to, returning any unearned advance fees, and confirming the conclusion of the representation in writing
- B. Forward the file to long-term storage and notify Client of the storage by mail
- C. Bill Client for any final unbilled time before closing the engagement
- D. Refer Client to another lawyer for any future matters that may arise

37. Lawyer is offered an opportunity to share a percentage of legal fees with a non-lawyer who refers business to Lawyer. Before accepting the arrangement, what must Lawyer do first?

- A. Verify that the non-lawyer has good moral character and a clean professional history
- B. Determine that the fee-sharing arrangement is generally prohibited by Rule 5.4(a) — which bars sharing legal fees with non-lawyers, subject only to narrow exceptions — and decline the arrangement, regardless of any benefits it might offer
- C. Calculate the percentage of fees to be shared with the non-lawyer
- D. Draft a written agreement memorializing the proposed arrangement

38. Lawyer represents an organization in a regulatory matter. The CEO of the organization asks Lawyer to also represent the CEO personally in a wholly unrelated personal dispute. Before agreeing to the dual representation, what must Lawyer do first?

- A. Accept the personal representation since the matters are wholly unrelated to each other
- B. Decline the personal representation without further analysis of the situation
- C. Negotiate a separate fee arrangement with the CEO for the personal matter
- D. Determine whether informed consent can be obtained from the organization through an appropriate official other than the CEO under Rule 1.13(g) — disclose to the organization the proposed dual representation and obtain consent from a board chair or other disinterested official before accepting

39. Lawyer is diagnosed with a chronic illness that may episodically impair her ability to represent clients competently. The condition is manageable but may recur. What must Lawyer do first to address professional obligations?

- A. Continue practicing without disclosure since the impairment is episodic and manageable
- B. Develop a concrete plan for managing the condition's impact on her practice — including reducing caseload during impaired periods, associating with co-counsel on complex matters, following the treatment plan, and consulting with her treating professionals about when representation is appropriate — so that her ability to represent clients competently is not materially impaired
- C. Notify the state bar of the diagnosis for professional record purposes
- D. Withdraw from all current matters and transfer them to other counsel immediately

40. Judge is presiding over a case. Mid-trial, Judge learns that her financial interest — specifically, holdings in a mutual fund — may include shares in a company that is a defendant in the case. What must Judge do first?

- A. Continue the trial without disclosure since the holdings are in a mutual fund rather than a direct stake
- B. Recuse herself immediately without further investigation of the specific holdings
- C. Investigate the specific holdings to determine whether Judge has an economic interest in the defendant company under Rule 2.11(A)(3) and, if so, disclose the holdings to the parties and consider whether divestment, recusal, or remittal under Rule 2.11(C) is appropriate
- D. Notify the chief judge of the potential issue and seek informal guidance

41. Lawyer represents Client in litigation. Mid-trial, Lawyer realizes that a representation Lawyer herself made to the court in earlier proceedings — specifically, a factual representation about the location of a document — was incorrect. The court relied upon Lawyer's representation in making an earlier ruling. What must Lawyer do first?

- A. Allow the matter to resolve itself without further intervention from Lawyer
- B. Move for reconsideration of the earlier ruling on other grounds to avoid the need for disclosure
- C. Privately discuss the issue with opposing counsel before any further action with the court

D. Take reasonable remedial measures to correct the false representation by promptly informing the court of the correct facts, in compliance with Rule 3.3(a)(1)'s requirement to correct false statements of material fact previously made to the tribunal

42. Lawyer is appointed as a guardian ad litem for a minor in family court. The minor's mother is not represented by counsel. The mother asks Lawyer for legal advice about her own position in the proceeding. What must Lawyer do first?

- A. Provide the legal advice to assist the mother in protecting her interests in the proceeding
- B. Inform the mother that Lawyer represents only the minor as guardian ad litem, that Lawyer cannot give the mother legal advice, and that the mother should consult independent counsel about her own position in the proceeding
- C. Refer the mother to a specific attorney that Lawyer recommends from her professional network
- D. Coordinate with the minor's father's counsel to address the mother's concerns about her position

43. Lawyer represents Defendant Corporation. The corporation's CEO instructs Lawyer to communicate with a represented adverse party directly to convey an aggressive settlement position. Lawyer knows the adverse party is represented by counsel. What must Lawyer do first?

- A. Comply with the CEO's instruction to maintain client trust in the engagement
- B. Decline to make the direct communication, explain to the CEO that Rule 4.2 prohibits communicating about the subject of the representation with a person known to be represented by counsel absent consent of that counsel, and propose alternative means of conveying the position — such as communication through opposing counsel or with opposing counsel's express consent
- C. Make the communication but document its limited scope for the file
- D. Request the adverse party's counsel to permit the direct communication after the fact

44. Lawyer wants to publish testimonials from former clients on her firm website. Before publishing, what must Lawyer do first?

- A. Obtain written informed consent from each former client whose testimonial will be used, including consent to the specific testimonial language and any photo or identification; and ensure that no testimonial

is false or misleading or creates an unjustified expectation about Lawyer's services in violation of Rule 7.1

- B. Hire a marketing firm to manage the testimonial collection process
- C. Have all testimonials reviewed by the state bar for compliance with advertising rules
- D. Disclose Lawyer's fee structure alongside each testimonial on the website

45. Lawyer represents Client. Lawyer receives an inquiry from a journalist who has heard that Lawyer represents Client in a high-profile matter. The journalist asks Lawyer to confirm the representation and comment on the case. What must Lawyer do first?

- A. Confirm the representation since Client's identity is generally not confidential information
- B. Decline all comment without consulting Client about the inquiry
- C. Determine what information is protected by Rule 1.6's broad confidentiality protection (which extends beyond attorney-client privilege to "information relating to the representation"), consult with Client about whether and how to respond, and obtain Client's informed consent before any disclosure of confidential information
- D. Issue a "no comment" statement to the journalist as standard professional practice

46. Lawyer's spouse, who is also a lawyer, represents a party adverse to one of Lawyer's clients in a litigation matter. The spouses share a household and discuss general aspects of their respective practices. What must Lawyer do first?

- A. Continue the representation without disclosure since the conflict is the spouse's, not Lawyer's
- B. Disclose the spouse's adverse representation to Lawyer's client, evaluate whether the spousal relationship creates a personal interest conflict that would materially limit Lawyer's representation under Rule 1.7(a)(2), and either obtain informed consent confirmed in writing or withdraw
- C. Cease all communication with the spouse about either practice immediately
- D. Continue both representations and rely on professional integrity to maintain confidentiality

47. Lawyer accepts representation of Client in a complex matter that will require ongoing diligence over an extended period. What must Lawyer do first to establish a framework for the representation?

- A. Send Client a formal engagement letter with the firm's standard terms and conditions
- B. Set Lawyer's hourly rate at a competitive level for the case complexity
- C. Block out time on Lawyer's calendar to focus on the case at the outset
- D. Determine the scope of the representation, communicate it to Client in writing, identify the key tasks and deadlines, establish a system for tracking those tasks and deadlines, and ensure Lawyer's preparation and diligence will be reasonable throughout the representation

48. Lawyer at trial intends to introduce an exhibit. Lawyer realizes the exhibit's authenticity may be challenged by opposing counsel. What must Lawyer do first?

- A. Introduce the exhibit and let the opposing party raise any authenticity objection
- B. Lay proper foundation for the exhibit's authenticity through testimony or other admissible evidence — establishing the chain of custody, identifying the source, and meeting any other requirements of the rules of evidence — before offering the exhibit for admission
- C. Move for admission of the exhibit by stipulation with opposing counsel before trial
- D. Withdraw the exhibit from Lawyer's planned trial presentation to avoid challenge

49. Lawyer is asked by a colleague to provide informal legal advice on a matter outside Lawyer's home jurisdiction (State A). The colleague will pay Lawyer for the advice, which will be used in a matter pending in State B (where Lawyer is not admitted). What must Lawyer do first?

- A. Decline to provide the advice without further analysis of the multijurisdictional issues
- B. Provide the advice without restriction since it is informal in nature
- C. Determine whether Lawyer's planned activities — providing legal advice for use in a State B matter — fall within Rule 5.5(c)'s exceptions for temporary multijurisdictional practice, such as services that relate to a pending or potential proceeding before a tribunal or are provided in association with a lawyer admitted in State B
- D. Refer the colleague to a State B-admitted lawyer without further analysis

50. Lawyer receives a \$25,000 retainer from Client for legal services. Client expects Lawyer to use the retainer to pay fees as work is performed. What must Lawyer do first with the retainer?

- A. Deposit the retainer into Lawyer's operating account since it represents future fees
- B. Hold the retainer in cash in Lawyer's office safe until earned through performance
- C. Apply the retainer to outstanding invoices Lawyer has previously sent Client for prior work
- D. Deposit the retainer into the firm's client trust account, withdraw funds from the trust account only as fees are earned in accordance with Rule 1.15(c), provide Client with periodic accountings reflecting the use of the retainer, and treat the unearned portion as Client's property held in trust

51. Lawyer is asked by a state bar committee to draft proposed legislation that would affect the practice of law. The legislation would also affect Lawyer's current clients. What must Lawyer do first?

- A. Decline the request to avoid any appearance of conflict of interest
- B. Notify Lawyer's clients of the proposed legislation before participating in the drafting
- C. Charge a higher fee for clients whose interests are affected by the legislation
- D. Engage with the proposed legislation drafting under Rule 6.4, which permits a lawyer to participate in law-reform activities affecting the administration of justice notwithstanding that the reform may affect the interests of a client of the lawyer; disclose to the committee any direct client interest the lawyer believes is materially affected when the lawyer knows a client's specific interest may be materially benefitted

52. Lawyer is offered a part-time position as a prosecutor while continuing in private practice. Before accepting the position, what must Lawyer do first?

- A. Determine whether the part-time prosecutor position is consistent with Rule 1.11's restrictions on government lawyer roles — including the conflict-of-interest restrictions that apply to a lawyer simultaneously serving in government and private practice — and evaluate whether the dual role creates conflicts under Rules 1.7 and 1.11 that cannot be cured
- B. Negotiate the part-time salary with the government employer in advance of acceptance
- C. Notify the firm's partners of the planned dual role and any anticipated time allocation
- D. Set aside specific days each week for the prosecutor work versus the private practice

53. Lawyer represents Client. Lawyer learns from a third party that Client may be misleading Lawyer about a material fact in the matter. What must Lawyer do first?

- A. Continue the representation while relying on Client's prior representations to Lawyer
- B. Confront the third party about the basis for the third party's information about Client
- C. Withdraw from the representation immediately to avoid any further association with potential falsity
- D. Discuss the matter with Client to obtain Client's account of the facts, evaluate the credibility of the competing information, and counsel Client about the legal and ethical consequences of any misleading representations — including the requirement that Lawyer cannot use Client's false statements in any subsequent proceeding

54. Lawyer is asked by Client to also represent Client's adult child in a separate matter. The matters are unrelated to each other but raise potential issues of allocation of confidential information between the two clients. What must Lawyer do first?

- A. Accept the dual representation since the matters are unrelated to each other
- B. Decline the new matter to avoid potential confidentiality issues across the representations
- C. Combine the two matters into a single engagement for efficiency
- D. Determine whether the dual representation creates a concurrent conflict under Rule 1.7(a)(2) — specifically, whether the representation of one client will be materially limited by Lawyer's responsibilities to the other (including duties of confidentiality) — and, if so, evaluate whether the conflict is consentable and obtain informed consent confirmed in writing from each client before accepting

55. Lawyer represents Client in a litigation matter. Lawyer is approached by a third party who claims to have information helpful to Client's case. The third party offers to share the information if Lawyer will share confidential information about Client's strategy. What must Lawyer do first?

- A. Refuse all communication with the third party as a matter of standard practice
- B. Share Client's strategy with the third party if the third party's information appears credible
- C. Decline any exchange of Client's confidential information, evaluate whether the third party's offered information has independent legitimacy and value, and consult with Client about whether to pursue the third party's information through means that do not require disclosure of Client's confidential information
- D. Notify Client's opposing counsel that the third party has offered information about the case

56. Judge is presiding over a high-profile case. A reporter contacts Judge requesting an interview about the case while it is still pending. What must Judge do first?

- A. Decline the interview in accordance with Rule 2.10(A) of the Model Code, which prohibits a judge from making any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, and Rule 2.10(B), which prohibits making nonpublic statements that might substantially interfere with a fair trial
- B. Conduct the interview but request that the reporter not publish until after the case concludes
- C. Provide written responses to the reporter's questions but decline a verbal interview
- D. Refer the reporter to court staff for general background information about the case

57. Lawyer wants to claim a specialty designation — "Certified Civil Trial Specialist" — on her firm website and letterhead. Before making the claim, what must Lawyer do first?

- A. Verify that Lawyer has substantial experience in civil trial practice over the past years
- B. Have the claim reviewed by the firm's internal marketing team for accuracy
- C. Determine that Lawyer has been certified as a specialist by an organization that has been approved by an appropriate state authority — or accredited by the American Bar Association — and that the name of the certifying organization will be clearly identified in the communication, in accordance with Rule 7.2(c)
- D. Include a disclaimer that the designation is for informational purposes only

58. Lawyer represents Plaintiff in litigation. Lawyer wants to contact Defendant Corporation's current employees to interview them about their work. Defendant Corporation is represented by counsel. What must Lawyer do first?

- A. Contact the employees directly without first consulting Defendant's counsel about the contact
- B. Determine which employees are within the scope of the "represented party" under Rule 4.2 Comment 7 — generally, current employees who supervise, direct, or regularly consult with the organization's lawyer concerning the matter or whose acts or omissions may be imputed to the organization or whose statements may constitute an admission — and obtain consent from Defendant's counsel before any communications with such employees
- C. Conduct the interviews at the corporate offices to ensure the proper context
- D. Notify Defendant's counsel only after the interviews are completed and documented

59. Lawyer is asked to provide pro bono representation to a low-income tenant facing eviction. Lawyer has only limited experience in landlord-tenant law. What must Lawyer do first?

- A. Decline the pro bono representation to avoid any competence issues with the unfamiliar area
 - B. Refer the client to a legal aid organization without further analysis of the situation
 - C. Determine how Lawyer can acquire the necessary competence in landlord-tenant law — through reasonable study, association with experienced counsel, or both — under Rule 1.1, and accept the pro bono representation only when Lawyer can provide competent representation, while also recognizing Rule 6.1's encouragement of pro bono service
 - D. Accept the representation and learn through doing during the matter as the case progresses
60. Lawyer accepts a complex federal regulatory matter despite no prior federal regulatory experience. The matter requires immediate filings under tight deadlines. What must Lawyer do first?
- A. File a routine extension of time to delay the substantive work until competence is acquired
 - B. Begin substantive work on the filings to develop familiarity through doing
 - C. Set a fee that reflects the additional time required to learn the area of federal regulatory law
 - D. Determine the deadlines, identify exactly what is required for each filing, associate with experienced federal regulatory counsel and undertake substantial study to acquire competence under Rule 1.1, and ensure that the combined effort can produce competent work within the deadlines — and if not, decline the matter or seek client's informed consent to alternative arrangements

Practice Exam 29 – Answer Key and Explanations

- 1. B** — The first action is to determine whether the conflict is consentable under Rule 1.7(b) and, if so, obtain informed consent confirmed in writing from both clients before accepting the new representation. Discussing with Plaintiff alone (A) skips the consentability analysis, withdrawal (C) is premature, and referral (D) sidesteps the rule's required analysis.
- 2. C** — Rule 1.5(b) requires communication of the scope and the basis or rate of the fee "before or within a reasonable time after commencing the representation." Beginning work without this communication (A), setting rates unilaterally (B), or seeking court approval (D) all skip the foundational communication step that Rule 1.5(b) places first.
- 3. A** — Rule 3.1 requires the lawyer to determine that there is a non-frivolous basis in law and fact before filing, including any good-faith argument for change in the law. Recovery calculation (B), service of process (C), and insurance verification (D) are downstream administrative steps; the Rule 3.1 inquiry is the gateway determination that must precede the filing itself.

4. D — Under Rule 1.6(b)(1), disclosure is permissive but should be a measured response. Before resorting to disclosure, the lawyer should attempt to dissuade the client and counsel about the legal consequences — the Comment-7 dissuasion step is the first response. Consulting the third party (A), notifying family (B), or reporting to disciplinary authorities (C) all bypass the lawyer's initial obligation to work with the client.

5. D — Rule 1.1 Comments 2, 4, and 6 require the lawyer to make a pre-engagement determination about how competence will be acquired — through study, association, or both — before commencing the substantive representation. Setting fees (A), notifying the insurer (B), and learning through doing (C) do not address Rule 1.1's threshold competence requirement.

6. A — Rule 5.5(c) governs temporary multijurisdictional practice, and the first analytical step is determining whether planned State B activities fall within one of the rule's enumerated exceptions. Informal notification (B), unconditional association (C), and notice of appearance (D) all presuppose a determination that the activities are permissible, which must precede them.

7. C — Rule 1.7(a)(1) creates a concurrent conflict regardless of the matters' relatedness; the first step is to determine whether the new representation creates the conflict and, if so, whether Rule 1.7(b) permits informed consent. Withdrawal (A), unanalyzed consent (B), and general consultation (D) all skip the threshold conflict analysis the rule requires.

8. A — Rule 1.2(a) reserves to the client decisions concerning the objectives of the representation and, in criminal cases, decisions like whether to plead guilty. Once Client communicates that decision, Lawyer's first obligation is to honor and execute it through appropriate procedural action. Persuading reconsideration (B), deferring execution (C), and consulting family (D) all displace the client's authority that Rule 1.2(a) expressly protects.

9. A — Rule 3.3 Comment 10 directs the lawyer to remonstrate confidentially with the client and seek the client's cooperation in withdrawing or correcting the false testimony before the lawyer must take other action. Mistrial (B), withdrawal (C), and disciplinary reporting (D) all bypass the client-centered remedial sequence that Rule 3.3 places first.

10. B — Rule 7.1's prohibition on false or misleading communication is the threshold standard for any lawyer advertising. The first step is to review all proposed content against the Rule 7.1 standard before publication. Bar pre-approval (A) is not required, generic disclaimers (C) do not cure misleading content, and competitor comparison (D) does not test compliance with Rule 7.1.

11. A — Rule 1.7(a)(2) requires the lawyer to disclose and evaluate any personal-interest conflict that may materially limit the representation. Immediate disclosure to Client and the consentability evaluation is the first step before any other action. Divestment (B), internal consultation (C), and conflict-system documentation (D) all post-date the lawyer's initial Rule 1.7(a)(2) disclosure obligation to the client.

12. C — Rule 1.11(a) prohibits a former government lawyer from representing a client in connection with a matter in which she personally and substantially participated as a government lawyer, absent informed consent confirmed in writing from the appropriate government agency. Determining whether such consent

has been obtained is the first inquiry; the other options either skip the rule (A, D) or apply it too rigidly (B).

13. B — Rule 1.3 requires reasonable diligence, and Comment 2 emphasizes that workload must be controlled to ensure each matter can be handled competently. Immediate preventive action — staffing, docketing, declining new matters, and notifying clients — is the first step that prevents Rule 1.3 violations before they occur. Higher billable hours (A), extensions (C), and reactive notification (D) do not address the underlying diligence framework.

14. D — Rule 1.16(b)'s permissive withdrawal grounds must be analyzed before any action, and Rule 1.16(d) imposes protective steps — notice to Client and opportunity to obtain other counsel — before withdrawal. Filing the motion (A), refunding (B), and ceasing communications (C) all skip the rule-grounded analysis and the protective notice that the rules require to precede withdrawal.

15. C — Rule 1.15(d) and (e) require the lawyer to deposit funds in trust, promptly notify both the client and any third party with a known interest in the funds, and hold disputed portions in trust pending resolution. Immediate full distribution to Client (A), unilateral lien payment (B), and fee deduction first (D) all bypass the Rule 1.15 trust-account and notification framework.

16. C — Appellate preservation requires a timely and specific objection on the record at the time of the ruling, stating the grounds. Reconsideration request (A), interlocutory appeal (B), and post-verdict new-trial motion (D) are downstream procedural responses that do not preserve the issue for review if a timely objection is not first made.

17. A — Rule 2.11(C) of the Model Code requires disclosure of the basis for any potential disqualification at the earliest opportunity, giving the parties an opportunity to seek disqualification or remit it. Immediate recusal (B) is premature, silent continuation (C) violates the disclosure obligation, and informal consultation (D) is not a substitute for on-record disclosure.

18. A — Rule 1.7(b) sets out the four conditions for accepting a joint representation: reasonable belief in competent representation, no prohibition by law, no client-vs-client litigation, and informed consent confirmed in writing. The first step is to determine whether each condition is satisfied before accepting. Fee structure (B), engagement letters (C), and interest comparison (D) all post-date the Rule 1.7(b) threshold analysis.

19. C — Rule 1.6 requires the lawyer to consult with the client about disclosure obligations, advise the client of the right to assert privilege and seek protective relief, and take reasonable steps to challenge the subpoena before disclosure. Prompt compliance (A), blanket refusal (B), and informal notification (D) all bypass the client-consultation and reasonable-challenge framework.

20. B — Rule 1.4(a) requires prompt communication of settlement offers, and Rule 1.4(b) requires sufficient information for the client to make an informed decision. Communicating the offer with Lawyer's evaluation is the first step. Negotiating (A), accepting (C), and rejecting (D) without prior client communication all displace the client's authority under Rules 1.2(a) and 1.4.

21. A — Rule 4.3 governs dealings with unrepresented persons and requires the lawyer to identify herself, disclose her role, avoid implying disinterestedness, and refrain from giving legal advice except to suggest counsel. These are the threshold requirements that must precede any substantive interview. Signed statements (B), office setting (C), and witness payment (D) do not satisfy the Rule 4.3 disclosure framework.

22. A — Rule 4.4(b) requires the lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that it was inadvertently sent to promptly notify the sender. Cessation of use, notification, and sequestration is the immediate first step. Using the evidence (B), notifying the court (C), and discarding (D) all skip the Rule 4.4(b) sequence.

23. B — Rule 1.7 (current clients) and Rule 1.9 (former clients) require a threshold conflict analysis before any new representation is accepted. Determining whether a conflict exists and addressing it is the first step. Beginning substantive work (A), unanalyzed declination (C), and confidential disclosure (D) all violate or bypass the rules' threshold analysis.

24. B — Rule 1.9(a) prohibits adverse representation in the same or substantially related matter without informed consent confirmed in writing. The first step upon discovering the issue is to evaluate substantial relatedness and the availability of consent. Continued representation (A), immediate withdrawal (C), and one-sided notification (D) all bypass the rule's analytical framework.

25. A — Rule 8.3(c) exempts information protected by Rule 1.6 from the reporting obligation under Rule 8.3(a). The first step is to determine whether the information learned is protected by Rule 1.6; if not, the reporting obligation applies. Direct confrontation (B), malpractice suit (C), and criminal reporting (D) all skip the Rule 8.3(c) confidentiality analysis that governs the reporting duty.

26. D — Rule 1.1 Comments 2 and 4 require the lawyer to make a pre-engagement determination about how competence will be acquired and to disclose relevant experience facts to the client where needed for informed consent. The first step is the competence-acquisition plan paired with client disclosure. Learning through doing (A), reduced fees (B), and time-extension filings (C) do not satisfy Rule 1.1.

27. A — Rule 8.1(b) prohibits knowingly failing to respond to a lawful demand for information from a disciplinary authority, subject to Rule 1.6 confidentiality. The first step is to determine whether the request can be answered without violating Rule 1.6 and, if so, to respond completely and truthfully. Ignoring with blanket privilege (B), personal counsel (C), and contacting the complainant (D) do not address the Rule 8.1(b) response obligation.

28. C — Rule 3.3(a)(3) requires the lawyer who learns of false evidence to take reasonable remedial measures, with disclosure to the tribunal as a last resort when other measures fail. Comment 10 directs the lawyer to begin with private counsel to the client urging remediation. Mistrial (A), withdrawal (B), and silent withdrawal of the document (D) all bypass the Rule 3.3 remedial sequence.

29. C — Rule 1.4(b) requires the lawyer to explain a matter to the extent reasonably necessary for the client to make informed decisions. Communicating the offer with sufficient information — including

Lawyer's evaluation — is the first step. Deciding for Client (A), referring to outside counsel (B), and rejection (D) all displace Client's authority under Rules 1.2(a) and 1.4.

30. B — Rule 5.3 requires lawyers with managerial authority over non-lawyers to make reasonable efforts to ensure the non-lawyer's conduct is compatible with the lawyer's professional obligations, including confidentiality. The first step is to ensure the paralegal understands and complies with the firm's confidentiality protections. Open discussion (A), specific client consent (C), and task limitation (D) do not address the Rule 5.3 framework.

31. D — Rule 7.3 governs solicitation and imposes specific requirements — "Advertising Material" labeling, no false or misleading content, no coercion or harassment — that must be satisfied before any solicitation. The first step is to confirm compliance with each of Rule 7.3's requirements before sending any messages. Source verification (A), marketing firm engagement (B), and disclaimers (C) do not satisfy Rule 7.3.

32. C — Rule 2.4 governs lawyers serving as third-party neutrals and requires the lawyer to evaluate prior and current relationships with the parties before accepting and to disclose any such relationships. The first step is the relationship inventory and disclosure. Fee negotiation (A), partner notification (B), and expertise confirmation (D) do not satisfy Rule 2.4's relationship-disclosure framework.

33. D — Rule 1.10 imputes conflicts within a firm, and the first step is to evaluate whether the partner's representation creates an imputed conflict, whether the conflict can be cured under Rules 1.7(b) and 1.10, and whether the required informed consents can be obtained. Unanalyzed acceptance (A), referral (B), and general consent (C) all skip the Rule 1.10 imputation analysis.

34. B — Rule 3.4(e) restricts trial conduct to evidence-grounded advocacy, and effective cross-examination requires evidence-based questions with proper foundation for any impeachment. The first step is the preparation that grounds the cross-examination in the record. Motions in limine (A), advance notice (C), and dividing labor (D) are downstream procedural steps that do not substitute for evidence-grounded preparation.

35. D — Rule 1.15 requires the lawyer to deposit settlement funds in the client trust account, promptly notify the client of receipt, and disburse from the trust account in accordance with proper accounting — with earned fees and reimbursed expenses moving to the operating account and client funds to the client. Immediate disbursement (A), split deposit (B), and endorsement to Client (C) all bypass the Rule 1.15 trust-account procedure.

36. A — Rule 1.16(d) imposes protective steps upon termination of the representation — reasonable notice, file copies, return of unearned fees, and confirmation in writing. These protective steps must precede file closure. Storage and mailed notice (B), final billing (C), and outside-counsel referrals (D) do not satisfy the Rule 1.16(d) framework.

37. B — Rule 5.4(a) generally prohibits sharing legal fees with non-lawyers, subject only to narrow enumerated exceptions. The first step is to determine that the proposed arrangement is prohibited and decline it. Character verification (A), percentage calculation (C), and written documentation (D) all post-date the Rule 5.4(a) threshold determination.

38. D — Rule 1.13(g) requires informed consent from the organization through an appropriate official other than the constituent before a lawyer for an organization may also represent a constituent. The first step is the organization-consent inquiry through a board chair or other disinterested official. Unanalyzed acceptance (A), declination (B), and fee negotiation (C) all skip the Rule 1.13(g) consent framework.

39. B — Rule 1.16(a)(2) requires mandatory withdrawal only when the impairment is material; Comment 2 to Rule 1.16 recognizes that lawyers may continue practicing when their condition is being managed and does not materially impair representation. The first step is a concrete management plan that prevents material impairment. Continued practice without management (A), bar notification (C), and immediate withdrawal from all matters (D) all over- or under-respond.

40. C — Rule 2.11(A)(3) requires disqualification when the judge has an economic interest in a party. The first step is to investigate the specific holdings, evaluate whether they constitute an "economic interest," disclose to the parties, and consider divestment, recusal, or remittal under Rule 2.11(C). Silent continuation (A), immediate recusal (B), and informal consultation (D) bypass the investigation-and-disclosure framework.

41. D — Rule 3.3(a)(1) requires the lawyer to correct a false statement of material fact previously made to the tribunal. Prompt correction by informing the court of the correct facts is the immediate remedial obligation. Inaction (A), pretextual reconsideration (B), and private discussion with opposing counsel (C) all violate Rule 3.3(a)(1)'s candor obligation.

42. B — Rule 4.3 governs dealings with unrepresented persons, and the first step when the mother seeks legal advice is to clarify Lawyer's role as guardian ad litem (representing only the minor), decline to give the mother legal advice, and suggest she consult independent counsel. Providing the advice (A), specific referral (C), and coordination with father's counsel (D) all violate or bypass Rule 4.3.

43. B — Rule 4.2 prohibits communication about the subject of the representation with a person known to be represented by counsel absent that counsel's consent. The first step is to decline the CEO's instruction, explain the rule, and propose lawful alternatives. Compliance with the unlawful instruction (A), making the communication (C), and post-hoc consent (D) all violate Rule 4.2.

44. A — Rule 7.1 prohibits false or misleading testimonials, and Rule 1.6 requires client consent before disclosing information relating to the representation. The first step is to obtain each former client's informed consent and ensure each testimonial complies with Rule 7.1. Marketing firm engagement (B), bar review (C), and fee disclosure (D) do not address the consent and Rule 7.1 requirements.

45. C — Rule 1.6 protects "information relating to the representation," which extends well beyond attorney-client privilege. The first step is to determine what is protected, consult with Client, and obtain informed consent before any disclosure. Confirming identity without consent (A), unilateral declination (B), and a standard "no comment" (D) all skip the Rule 1.6 client-consent framework.

46. B — Rule 1.7(a)(2) Comment 11 addresses relationships between opposing counsel and treats a spousal relationship as a potential personal-interest conflict that may materially limit the representation. The first step is disclosure to the client, evaluation of the conflict, and obtaining informed consent or

withdrawing. Continued representation without disclosure (A), unilateral cessation of communication (C), and reliance on integrity (D) all bypass Rule 1.7(a)(2).

47. D — Rules 1.1, 1.2(c), and 1.3 require pre-engagement scope determination, written communication of scope, identification of deadlines and tasks, tracking systems, and ongoing diligence. The framework must be established at the outset. Engagement letter (A), competitive rate-setting (B), and calendar blocking (C) are component pieces that do not establish the comprehensive framework Rule 1.1 and Rule 1.3 require.

48. B — Trial evidence requires proper foundation for authenticity through testimony or other admissible evidence — chain of custody, identification of source, and applicable evidentiary requirements — before the exhibit is offered for admission. Pre-emptive introduction without foundation (A), stipulation negotiation (C), and withdrawal (D) all bypass the foundational requirement.

49. C — Rule 5.5(c) governs temporary multijurisdictional practice, and the first analytical step is determining whether planned activities fall within one of the rule's exceptions — including services that relate to a pending or potential proceeding before a tribunal or services provided in association with a lawyer admitted in the host jurisdiction. Unconditional declination (A), unrestricted advice (B), and unanalyzed referral (D) all skip the Rule 5.5(c) analysis.

50. D — Rule 1.15(c) requires that legal fees and expenses paid in advance be deposited in the client trust account and withdrawn only as fees are earned or expenses incurred, with proper accounting. The first step is the trust-account deposit and the disciplined withdrawal process. Operating-account deposit (A), cash safekeeping (B), and application to prior invoices (C) all violate Rule 1.15(c).

51. D — Rule 6.4 permits lawyers to participate in law-reform activities affecting the administration of justice notwithstanding that the reform may affect a client's interests, and Comment 1 imposes a disclosure obligation when the lawyer knows that a client's specific interest may be materially benefitted. The first step is to engage under Rule 6.4 with the required disclosure. Declination (A), unnecessary client notice (B), and differential fees (C) do not address Rule 6.4.

52. A — Rule 1.11 governs lawyer roles in government and imposes specific conflict-of-interest restrictions on lawyers serving simultaneously in government and private practice. The first step is to determine whether the dual role is consistent with Rule 1.11's restrictions and whether Rules 1.7 and 1.11 create unconsentable conflicts. Salary negotiation (B), partner notification (C), and day allocation (D) all post-date the Rule 1.11 threshold analysis.

53. D — Rule 1.4 requires the lawyer to communicate with the client about material developments, and Rule 1.16(b) requires evaluation of withdrawal grounds. The first step is to discuss the issue with Client, obtain Client's account of the facts, evaluate the competing information, and counsel Client about the consequences. Continued reliance (A), confronting the third party (B), and immediate withdrawal (C) all bypass the client-centered communication framework.

54. D — Rule 1.7(a)(2) creates a concurrent conflict when the representation of one client will be materially limited by the lawyer's responsibilities to another, including duties of confidentiality. The first step is to determine whether the conflict exists, evaluate consentability, and obtain informed consent

confirmed in writing from each client before accepting. Unanalyzed acceptance (A), unanalyzed declination (B), and combining the matters (C) all skip Rule 1.7(a)(2) analysis.

55. C — Rule 1.6 protects Client's confidential information from disclosure, and the lawyer cannot trade confidential information for any benefit. The first step is to decline any exchange of confidential information, evaluate the third party's information independently, and consult with Client about pursuing it through non-confidential means. Unconditional refusal (A), exchange (B), and notifying opposing counsel (D) all violate or bypass Rule 1.6.

56. A — Rule 2.10(A) of the Model Code prohibits a judge from making any public statement that might reasonably affect the outcome or impair fairness of a pending matter, and Rule 2.10(B) prohibits nonpublic statements that might substantially interfere with a fair trial. The first step is to decline the interview. Conditional interviews (B), written responses (C), and staff referrals (D) all risk violating Rule 2.10's pending-case prohibition.

57. C — Rule 7.2(c) governs specialty claims and permits them only when the lawyer is certified by an organization approved by an appropriate state authority or accredited by the ABA, with the certifying organization clearly identified in the communication. The first step is to verify both the certification source and the disclosure of that source. Experience verification (A), internal review (B), and disclaimers (D) do not satisfy Rule 7.2(c).

58. B — Rule 4.2 Comment 7 defines which corporate employees fall within the "represented party" — supervisors, those who direct the organization's lawyer, those whose acts may be imputed to the organization, or those whose statements may constitute admissions. The first step is to determine which employees fall within this scope and obtain consent from Defendant's counsel before contacting them. Direct contact (A), corporate-office interviews (C), and post-hoc notification (D) all violate or bypass Rule 4.2.

59. C — Rule 1.1 competence is not waived by pro bono status, and Rule 6.1 encourages but does not override the competence requirement. The first step is to determine how Lawyer can acquire the necessary competence through study, association, or both, and accept the representation only when competent representation can be provided. Categorical declination (A), unanalyzed referral (B), and learning through doing (D) all violate Rule 1.1.

60. D — Rule 1.1 requires pre-engagement determination of competence acquisition through study, association, or both, and Rule 1.3 requires diligence in meeting deadlines. The first step is to identify the requirements and deadlines, plan competence acquisition through association and study, and assess whether competent work can be produced within the deadlines — declining or seeking informed consent to alternatives if not. Routine extension (A), learning through doing (B), and fee adjustment (C) do not satisfy Rule 1.1.