

PRACTICE EXAM 6 : MPRE SIMULATION

Time Allotted: 2 hours

Format: Multiple choice — select the best answer

1. A lawyer is admitted in both State A and State B and maintains her primary office in State A. She represents a client in litigation pending in a State B court. During the proceeding, a question arises about which jurisdiction's rules of professional conduct govern her conduct in the matter.

A. State A's rules always apply because that is where the lawyer maintains her primary office of practice and law license

B. State B's rules always apply because that is where the lawyer was admitted and where the litigation is currently pending

C. The rules of the lawyer's choice apply, provided the choice is disclosed in writing to the client at the outset of representation

D. Under Rule 8.5(b), for conduct connected to a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits apply

2. A lawyer represents a plaintiff in a civil contract action. After months of negotiation, opposing counsel makes a settlement offer of \$200,000. The lawyer believes the case has settlement value of at least \$400,000 and considers the offer plainly too low. Without consulting the client, the lawyer rejects the offer in writing and continues pursuing litigation.

A. Yes, because Rule 1.2(a) reserves to the client the decision whether to settle a civil matter, regardless of the lawyer's tactical view of value

B. No, because the lawyer's expert judgment about settlement value was reasonable given her experience with comparable cases in the jurisdiction

C. Yes, but only because the rejected offer was substantially lower than the case's likely actual settlement value as evaluated independently

D. No, because the lawyer has implied authority from the retention agreement to reject obviously inadequate settlement offers without further consultation

3. A lawyer charges a flat fee of \$10,000 to prepare a simple uncontested divorce filing that she knows from experience requires approximately five hours of routine work. The client is unfamiliar with the legal market and signs the engagement letter without questioning the fee. The fee is significantly above prevailing rates for similar work in the locality.

A. Yes, because the client signed the engagement letter voluntarily without any pressure from the lawyer's office or staff

B. Yes, provided that the engagement letter clearly states the flat-fee amount and the scope of services in writing

C. No, because Rule 1.5(a) prohibits a lawyer from charging an unreasonable fee, evaluated against the factors listed in the rule

D. No, but only if the client later complains to the disciplinary authority about the fee charged for the divorce work

4. A lawyer is appointed to represent an indigent criminal defendant. The prosecutor offers a plea reducing the charge from a felony to a misdemeanor and recommending probation only. Believing the offer is poor compared to the strength of the defense she has developed, the lawyer decides not to convey the offer to the client. The case proceeds to trial and the defendant is convicted of the felony.

A. No, because the lawyer's professional judgment about the strength of the available defense at trial is entitled to controlling weight

B. Yes, because Rule 1.4(a) requires the lawyer to promptly inform the client of any decision requiring the client's informed consent

C. No, but only if the defendant can establish at a post-conviction hearing that he would have accepted the plea if offered

D. Yes, but only if the trial court determines the plea would have been accepted and approved by the prosecution at the time

5. A lawyer represents a manufacturing company in environmental litigation. During the representation, the lawyer learns that defective valves in one of the company's products are causing toxic chemical leaks at customer facilities and that several workers have already developed serious lung conditions. The lawyer reasonably believes more workers will suffer the same condition unless the company issues a recall, which the company refuses to do.

- A. The lawyer must maintain confidentiality under Rule 1.6(a) because the harm relates to past conduct of the company under the rule
- B. The lawyer must immediately disclose to OSHA without first attempting to dissuade the company from its course of conduct
- C. The lawyer must withdraw from the representation but is strictly prohibited from disclosing any information to third parties at all
- D. The lawyer may disclose information to the extent reasonably necessary to prevent reasonably certain death or substantial bodily harm under Rule 1.6(b)(1)

6. A lawyer represented a regional bank for several years on commercial lending matters, including drafting the bank's standard form loan documents. The representation ended last year. A small business owner now asks the lawyer to represent her in a lawsuit against the regional bank claiming the bank's standard loan documents contain unconscionable provisions.

- A. No, because Rule 1.9(a) prohibits representing another person in a substantially related matter materially adverse to a former client without consent
- B. Yes, because the prior representation has ended and the lawyer is now in the new client's corner of the dispute as adversary
- C. No, but only if the small business owner is unable to find substitute counsel willing to take the unconscionability lawsuit
- D. Yes, provided the lawyer does not use any documents she actually personally drafted during the prior bank representation period

7. A lawyer at a midsize firm is asked by a prospective client to represent her in a sexual harassment suit against her employer. Another lawyer at the firm currently represents the employer in unrelated regulatory matters. The matters share no factual or legal issues. The two firm lawyers do not consult on either matter and the regulatory work is wholly unrelated to harassment claims.

- A. Yes, because the matters are wholly unrelated and the two lawyers do not consult about the representations of their separate clients
- B. No, because Rule 1.10(a) imputes one lawyer's concurrent conflict to all lawyers in the firm absent appropriate consent under Rule 1.7
- C. Yes, but only if the new client and the employer both agree in writing to limited information sharing between firm departments

D. No, but only if the prospective client is unable to obtain comparable representation from a different firm in the jurisdiction

8. A lawyer is engaged to negotiate the sale of a business on behalf of the seller. While the negotiation is pending, the lawyer is offered a personal investment opportunity in the buyer's company at favorable terms. The proposed investment would create a significant ongoing financial interest in the buyer's continued success and growth.

A. Yes, because the investment opportunity is in the buyer rather than the seller and creates no formal conflict with the existing representation

B. No, because Rule 1.7(a)(2) creates a conflict where the lawyer's representation may be materially limited by the lawyer's own financial interests

C. Yes, provided the lawyer first informs the buyer of her ongoing representation of the seller in the pending transaction

D. No, but only if the lawyer's investment in the buyer exceeds the total legal fees being charged to the seller

9. Three friends approach a lawyer asking her to represent them jointly in forming a new restaurant business. Each will contribute different amounts of capital and will have different roles in the venture. The lawyer reasonably believes she can provide competent representation to all three and is prepared to proceed once consent issues are addressed.

A. The lawyer may proceed without any disclosure because the three clients have come to her together as a unified team

B. The lawyer must decline because three-way representation in business formation is per se a non-consentable conflict of interest

C. The lawyer must explain the implications of common representation, including risks to confidentiality, and obtain each client's informed consent confirmed in writing

D. The lawyer may proceed if she simply obtains oral consent from each of the three prospective business partners in the venture

10. A lawyer recently moved from Firm X to Firm Y. While at Firm X, the lawyer personally handled a litigation matter for Company A. Firm Y currently represents Company B in a matter substantially related

to the prior Company A representation. Firm Y screens the lateral lawyer from any participation in the matter, apportions no part of its fee to her, and provides timely written notice to Company A.

A. The screening generally satisfies Rule 1.10(a)(2)'s requirements and permits Firm Y to continue representing Company B in the matter

B. Screening alone is never sufficient to cure imputed disqualification under Rule 1.10 in any circumstances under the Model Rules

C. The screening is sufficient only if Company A also gives informed written consent in addition to receiving notice of the lateral move

D. The screening fails because the lateral lawyer's confidential information about Company A is per se imputed to all Firm Y lawyers

11. A lawyer represents an injured plaintiff in a personal injury action. The plaintiff has lost her job because of the injuries and tells the lawyer she cannot afford her rent during the pendency of the case. The lawyer offers to lend the client \$5,000 from the lawyer's personal funds to help with living expenses, with repayment from any settlement obtained in the case.

A. Yes, because the loan to a hardship client is humanitarian assistance permitted by the rules in personal injury cases

B. Yes, provided that the loan is fully documented in a written agreement signed by both lawyer and client in advance

C. No, but only if the proposed loan amount exceeds 10% of the expected case settlement value in the matter

D. No, because Rule 1.8(e) prohibits providing financial assistance to a client in pending or contemplated litigation, except for court costs and litigation expenses

12. A lawyer represents a plaintiff in a patent infringement case. As part of the engagement, the lawyer agrees to defer her hourly fees and instead receive an assignment of 25% of the patent at issue as compensation for legal services rendered. The patent is the very subject matter of the litigation she is handling.

A. Yes, because the assignment is a form of contingent compensation permitted in intellectual property cases under the rules

B. Yes, provided that the fee agreement is reduced to a writing signed by the client before the assignment takes effect

C. No, because Rule 1.8(i) prohibits acquiring a proprietary interest in the cause of action or subject matter of the litigation, with limited exceptions

D. No, but only if the assigned share of the patent exceeds the reasonable value of legal services provided in the matter

13. A lawyer represents a client in a wrongful death action. The lawyer is the only available witness to a critical pretrial communication between the parties about insurance coverage limits. The case is set for trial in six weeks. Disqualification at this stage would force the client to retain new counsel unfamiliar with the complex two-year-old case and cause substantial hardship.

A. The lawyer may serve as advocate under Rule 3.7(a)(3) if disqualification would work substantial hardship on the client despite her being a necessary witness

B. The lawyer must withdraw entirely because hardship to a client does not excuse a Rule 3.7(a) violation under any circumstance

C. The lawyer may serve as advocate only if opposing counsel and the trial court both consent in writing to the dual role

D. The lawyer must withdraw, but a different lawyer from the same firm may continue handling the case as new lead trial counsel

14. A lawyer represents a criminal defendant in a robbery prosecution. Before trial, the defendant tells the lawyer he plans to testify falsely that he was at home at the time of the robbery. The lawyer counsels strongly against the perjury, but the defendant insists on testifying as planned. The trial is set to begin the following week.

A. The lawyer must allow the defendant to testify as planned because criminal defendants have an absolute right to testify on their own behalf

B. The lawyer must continue representing the defendant but use narrative-style open questions and avoid argument that emphasizes the false portions of testimony

C. The lawyer must withdraw immediately and may publicly disclose the planned perjury to the court and opposing counsel without further effort

D. The lawyer must take reasonable remedial measures under Rule 3.3, which include attempting to dissuade the client and, if necessary, seeking permission to withdraw

15. A lawyer represents a defendant who has just been indicted on federal charges. The lawyer is asked about the case by reporters covering the courthouse. The lawyer makes a brief statement identifying the defendant, summarizing the general nature of the claim against him, and announcing the next scheduled court date in the proceeding.

A. No, because Rule 3.6 categorically prohibits any extrajudicial statements by counsel about pending criminal indictments before trial proceedings begin

B. Yes, because Rule 3.6(b) expressly permits statements about specified subjects including the offense involved, information in a public record, and scheduling

C. No, unless the defendant has personally authorized in writing the specific content of each statement made to the press by counsel

D. Yes, but only if opposing counsel separately consents to the public statement before it is made by defense counsel to reporters

16. A lawyer represents a plaintiff suing a corporation for breach of contract. The lawyer wants to interview the corporation's Vice President of Sales, who personally signed the contract at issue on behalf of the corporation and is directly involved in the disputed events. The corporation is represented by counsel in the matter.

A. The lawyer may interview the VP directly because Rule 4.2 does not apply to interviews with corporate witnesses regarding past events

B. The lawyer may interview the VP directly provided she first informs him that she represents an adverse party in the litigation

C. The lawyer must obtain consent from corporate counsel because Rule 4.2 covers employees whose acts in connection with the matter may be imputed to the organization

D. The lawyer must seek a court order before interviewing the VP because Rule 4.2 cannot be satisfied by mere consent of corporate counsel

17. A lawyer is taking the deposition of a witness who is not a party to the litigation and is unrepresented. The witness asks the lawyer whether she is "kind of representing both sides here since you're asking the questions." The lawyer is plainly representing only the plaintiff in the matter and the witness's question reflects a genuine misunderstanding.

- A. The lawyer must correct the misunderstanding because Rule 4.3 requires clarifying her role when she knows or reasonably should know an unrepresented person misunderstands
- B. The lawyer need not say anything because the witness's question reflects her own confusion and is not the lawyer's responsibility to address
- C. The lawyer must terminate the deposition immediately and reschedule it only after the witness has retained independent counsel of her own choosing
- D. The lawyer may simply continue questioning without correcting the misunderstanding so long as she does not affirmatively claim to represent the witness

18. A lawyer is holding \$50,000 in a client trust account on behalf of a client awaiting completion of a real estate transaction. The lawyer is temporarily short of funds for her operating expenses and takes \$5,000 from the trust account "as a short-term loan," intending to repay the full amount within two weeks when her own fees arrive. She replaces the money on schedule.

- A. No, because the lawyer fully restored the funds within the planned two-week timeframe without any loss to the client
- B. No, provided that the client did not suffer any actual loss or delay in the real estate transaction during the period
- C. Yes, but only if the temporary borrowing exceeded any amount the client had specifically authorized to be removed previously
- D. Yes, because Rule 1.15 requires holding client funds separate, and any unauthorized use of trust funds, even temporary, constitutes misappropriation

19. A lawyer's letterhead and website state that she is a "Certified Trial Specialist." The lawyer has not been certified by any organization that has been accredited by the appropriate authority of her state or by the American Bar Association. She has personally tried many cases to verdict over the course of her career.

- A. Yes, because the lawyer's actual extensive trial experience supports the descriptive term "Trial Specialist" in advertising materials
- B. Yes, provided that the lawyer's website also discloses the precise number of trials she has personally conducted to verdict
- C. No, because Rule 7.2(c) prohibits implying certification as a specialist unless certified by an organization approved by a state authority or accredited by the ABA

D. No, but only if a current or former client of the lawyer specifically complains about the "Specialist" representation on the letterhead

20. A lawyer learns that a major train derailment has injured many people. The lawyer goes to the hospital where many of the survivors are being treated, identifies herself in the lobby and waiting rooms as available to represent injured passengers, and hands out her business cards directly to family members of injured victims who are present in the facility.

A. Yes, generally, because Rule 7.3 permits in-person solicitation at locations where prospective clients are gathered following a public emergency event

B. No, because Rule 7.3 generally prohibits live, in-person solicitation of professional employment from non-lawyers where significant motive is the lawyer's pecuniary gain

C. Yes, provided that the lawyer informs each prospective client that they have a right to decline representation before signing any retainer agreement

D. No, but only if hospital regulations prohibit business activity in patient waiting areas at the particular medical facility involved in the matter

21. A senior partner at a large firm has never accepted any pro bono representation during her thirty-year career. She believes pro bono work is best left to legal aid organizations rather than to firms like hers. The state where she practices has adopted the Model Rules of Professional Conduct without modification.

A. Rule 6.1 expresses an aspirational professional responsibility that every lawyer should render at least 50 hours of pro bono services annually, but it is not mandatory

B. Rule 6.1 imposes a strictly mandatory professional obligation to provide at least 50 hours of pro bono services annually or face discipline

C. Rule 6.1 does not apply to partners at large law firms because their firm-related obligations are presumed to displace any pro bono expectations

D. Rule 6.1 applies only to lawyers who handle individual rather than corporate matters in their day-to-day legal practice

22. A lawyer is convicted of misdemeanor driving under the influence after a single-car accident with no injuries to others. The lawyer's state bar has a specific disciplinary rule requiring lawyers to self-report criminal convictions to the disciplinary authority. The lawyer fails to report the DUI conviction to the disciplinary authority.

- A. Self-reporting obligations apply only to felony convictions, so the lawyer has no duty to report the misdemeanor offense at all
- B. The duty to self-report under Rule 8.3 applies only to misconduct of other lawyers, not to the reporting lawyer's own conduct
- C. The lawyer's failure to report is excused because the DUI did not involve injuries or harm to any third parties or other drivers
- D. Failure to comply with a jurisdiction's self-reporting rule may itself constitute professional misconduct, separate from any discipline for the underlying conviction

23. A trial judge owns a \$10,000 mutual fund holding among its many positions a small stake in a Fortune 500 company. That company is a defendant in a class action lawsuit assigned to the judge. The judge does not participate in the management of the mutual fund and the company's stake within the fund is a small fraction of total holdings.

- A. The judge must disqualify because any direct or indirect economic interest in a party requires recusal under the Model Code regardless of form of ownership
- B. The judge need not disqualify because Rule 2.11's commentary excludes from "economic interest" an interest in a common investment fund where the judge does not participate in management
- C. The judge must disqualify but may continue presiding if both parties consent on the record after disclosure of the indirect financial interest in the proceeding
- D. The judge need not disqualify but must publicly disclose the indirect interest on the record at the next available status conference in the pending case

24. A trial judge is offered free season tickets to local professional basketball games by a sports memorabilia dealer. The dealer is not a party to any current case before the judge, but his business interests sometimes touch on contract disputes that could come before the judge's court. The tickets have a market value of approximately \$3,000.

- A. The judge must decline the tickets because their substantial value and the donor's potential future appearance in court would suggest improper influence under Rule 3.13
- B. The judge may accept the tickets so long as no case involving the dealer is currently pending before the judge at the time the gift is received
- C. The judge may accept the tickets provided that she discloses the gift annually on her required public financial disclosure forms in the state

D. The judge may accept the tickets if she promises in advance to recuse from any future case involving the dealer's business in the area

25. A lawyer admitted to practice in State A has accepted a job offer in State B and plans to take the State B bar examination at the next available administration. While waiting for the exam results, the lawyer wants to begin handling client matters in State B. She is not yet admitted in State B by any pathway.

A. The lawyer may handle State B matters without restriction because she has been duly admitted to the bar in another jurisdiction in the United States

B. The lawyer may not perform any legal work in State B until she is formally admitted to the State B bar through examination results

C. Whether the lawyer may engage in temporary practice in State B depends on Rule 5.5(c) and 5.5(d) and on State B's rules regarding practice pending admission

D. The lawyer may handle State B matters provided she discloses to each new State B client that she has not yet passed the State B bar examination

26. A lawyer is representing a client in a contentious divorce. During the representation, the client discloses to the lawyer his plan to use the lawyer's continued services to commit fraud on the court by concealing major marital assets from disclosure. The lawyer has counseled against this conduct and the client insists on proceeding with the plan.

A. The lawyer may continue the representation provided she limits her involvement to the non-fraudulent aspects of the matter going forward

B. The lawyer must continue representing the client through the conclusion of the divorce while declining to participate in the fraud directly

C. The lawyer may withdraw at her discretion but is not required to do so under the rules of professional conduct in this jurisdiction

D. The lawyer must withdraw under Rule 1.16(a)(1) because continuing would result in violation of the rules of professional conduct or other law

27. A lawyer charges a client \$25,000 for representation in a contract negotiation. The client believes only \$10,000 is owed and demands fee arbitration through the state bar's established fee dispute resolution program. The lawyer would prefer to litigate the disputed fee directly in civil court rather than participate in the arbitration program.

- A. The lawyer may unilaterally refuse fee arbitration and immediately file a civil collection action against the client for the full disputed fee
- B. Under most jurisdictions implementing Rule 1.5, the lawyer is encouraged or required to participate in fee arbitration when the client demands it
- C. The disputed amount must be returned to the client immediately by operation of the model rules of professional conduct on fee agreements
- D. The lawyer must seek a court order requiring the client to participate in a private mediation chosen by the lawyer for the dispute

28. A lawyer is approached by a financial consultant about forming a multi-disciplinary firm in which the lawyer would handle legal matters and the consultant would handle financial advisory matters. The two would share profits as full partners in the joint enterprise. Both intend to serve overlapping clients in coordinated work.

- A. No, because Rule 5.4(b) prohibits a lawyer from forming a partnership with a nonlawyer if any partnership activities consist of the practice of law
- B. Yes, because multi-disciplinary practice is permitted under modern interpretations of the Model Rules of Professional Conduct in many jurisdictions
- C. Yes, provided that the partnership agreement clearly separates legal services from financial advisory services in the firm's billing and accounting
- D. No, but only if the nonlawyer partner's stake in the firm exceeds a controlling 50% interest in the joint enterprise overall

29. A lawyer represents a client in routine matters. Over time, the client begins exhibiting signs of significant cognitive decline. The lawyer reasonably believes the client now has diminished capacity, is at risk of substantial physical and financial harm, and cannot adequately act in her own interest. The client has no family or trusted advisors available.

- A. The lawyer must withdraw immediately because she cannot continue to represent a client who lacks decision-making capacity for legal matters
- B. The lawyer may unilaterally make all substantive legal decisions on behalf of the client without further protective action being necessary
- C. The lawyer must continue to consult only with the client without any other protective measures, regardless of the client's risk of harm

D. The lawyer may take reasonably necessary protective action, including, in appropriate cases, seeking the appointment of a guardian under Rule 1.14(b)

30. A lawyer is representing a client in structuring a complex business transaction. During the representation, the client reveals to the lawyer his intention to use the transaction documents to defraud investors of substantial sums. The lawyer's drafting services are central to the contemplated fraud, and the lawyer counsels strongly against the planned conduct.

A. The lawyer must maintain confidentiality absolutely because Rule 1.6 admits no exception for client-disclosed criminal or fraudulent intentions in any setting

B. The lawyer must publicly disclose the planned fraud to investors and to the prosecuting authority of the jurisdiction at issue directly

C. The lawyer may reveal information to prevent a client crime or fraud reasonably certain to cause substantial financial injury where the lawyer's services are being used to commit it

D. The lawyer must continue the representation and may not disclose the planned fraud under any disciplinary rule of the applicable jurisdiction's bar

31. A lawyer working as an assistant United States attorney is currently prosecuting Company X for securities fraud. While the case is ongoing, the lawyer begins active negotiations for post-government employment with the very law firm that represents Company X in the matter. She does not disclose the negotiations to her supervisors at the government office.

A. Yes, because government lawyers have the same right as any employee to seek new employment opportunities without disclosure to their employer

B. No, because Rule 1.11(d) prohibits negotiating private employment with anyone involved as a party or lawyer in a matter the government lawyer is currently handling

C. Yes, provided that the lawyer recuses from the Company X prosecution before formally accepting the new firm position later in the process

D. No, but only if the new firm represents Company X in the very same proceeding the prosecuting lawyer is handling on behalf of the government

32. A lawyer served as a private arbitrator in a dispute between Company X and Company Y two years ago. The arbitration was contested but the parties accepted the lawyer's award. Company X now asks the

lawyer to represent it in a new dispute against Company Y arising out of related events and the same underlying business relationship.

- A. No, because Rule 1.12(a) prohibits representing anyone in a matter in which the lawyer participated personally and substantially as an arbitrator, absent consent of all parties
- B. Yes, because the lawyer's earlier role as arbitrator does not create any continuing conflict for subsequent unrelated client engagements in the same area
- C. Yes, provided that Company X formally acknowledges the lawyer's prior service as arbitrator in the engagement letter for the new representation
- D. No, but only because the lawyer was paid for the arbitration services and accepting a new role would result in double recovery from the same parties

33. A lawyer represents a client who lost at trial. The client wants to appeal solely to delay enforcement of the judgment, even though the lawyer believes there is no good-faith argument for reversal or for extending or modifying current law. The client expressly tells the lawyer that the sole reason for the appeal is delay.

- A. Yes, the lawyer may file the appeal because clients have an absolute right to appeal adverse judgments in civil cases in the jurisdiction
- B. Yes, provided that the lawyer includes in the notice of appeal a disclaimer that the appeal lacks substantive legal merit or new authority
- C. No, but only if opposing counsel files a motion for sanctions against the proposed appellate brief before it is actually filed by the lawyer
- D. No, because Rule 3.1 prohibits asserting an issue without a non-frivolous basis in law and fact, and an appeal sought solely for delay lacks such a basis

34. A lawyer represents a client in litigation involving substantial documentary evidence. The client tells the lawyer he intends to destroy a key memo containing damaging admissions before the inevitable discovery request arrives. The lawyer says, "If you do, no one will know it ever existed." The client destroys the memo two days later as planned.

- A. No, because the lawyer never personally destroyed the memo and the client made the destruction decision independently of any direct instruction

B. No, provided that the memo had not yet been formally requested by opposing counsel at the precise time of its destruction by the client

C. Yes, because Rule 3.4(a) prohibits a lawyer from unlawfully obstructing another party's access to evidence and from counseling or assisting in such conduct

D. Yes, but only if opposing counsel can prove she actually relied on the missing memo and suffered identifiable prejudice in the matter

35. A lawyer is negotiating a personal injury settlement for her client. During settlement discussions, opposing counsel asks the lawyer to state the medical specialist's actual diagnosis for the client's injuries. The lawyer has a specialist's report stating "soft tissue injury, full recovery expected within six months." The lawyer responds, "My client suffers from severe and likely permanent musculoskeletal damage."

A. No, because conventional negotiation statements about a client's medical condition fall within the puffing exception under Rule 4.1 and its comments

B. Yes, because Rule 4.1(a) prohibits knowingly making a false statement of material fact, and a medical diagnosis is a material fact rather than puffing

C. No, provided that the lawyer's exaggerated description does not affirmatively quote from the medical report itself by name in the negotiation

D. Yes, but only if opposing counsel actually relied on the false diagnosis and the case settled for more than fair value as a direct result

36. A lawyer receives an electronic copy of a settlement proposal from opposing counsel. Hidden in the metadata of the document are tracked changes and internal comments showing the opposing party's actual settlement willingness. The lawyer's e-discovery software automatically extracts this metadata before she opens the document for review.

A. Under ethics opinions interpreting Rule 4.4(b), the lawyer should refrain from reviewing metadata apparently not intended to be transmitted and notify opposing counsel of the disclosure

B. The lawyer may freely review and use any metadata extracted from a properly transmitted document because metadata is automatically waived by transmission

C. The lawyer must immediately forward the metadata to the trial court for in camera review before any further action is taken by either party

D. The lawyer must destroy the document immediately and notify her own client that no review of the inadvertent metadata disclosure took place

37. A lawyer who is a partner at a firm is responsible for the firm's management policies. The firm has no written conflict-checking system, no policies on handling client trust funds, and no procedures for ensuring associates receive adequate supervision. Several client problems have arisen over the past year directly attributable to these gaps.

A. The partner is not subject to discipline because Rule 5.1 applies only to direct supervisors of specific matters, not to firm management generally

B. The partner is subject to discipline only if she personally directed the deficient conduct that caused the client problems in specific underlying matters

C. The partner is not subject to discipline because firm administrative policies are matters of business judgment outside the scope of the professional conduct rules

D. The partner may be subject to discipline under Rule 5.1(a), which requires partners and managerial lawyers to ensure the firm has measures giving reasonable assurance of compliance with the Rules

38. A first-year associate is directed by a senior partner to falsify time records to inflate billing to a corporate client. The associate complies and signs the falsified time entries as accurate. The conduct is clearly improper under the rules of professional conduct, not an arguable question of professional duty open to reasonable resolution.

A. The associate is not subject to discipline because she was simply following the direct instruction of her supervising partner at the time

B. The associate may avoid discipline by reporting the partner to the firm's general counsel within thirty days of compliance with the directive

C. The associate is subject to discipline because Rule 5.2(a) provides that a lawyer is bound by the Rules notwithstanding direction from another person

D. The associate may avoid discipline by demonstrating that the senior partner has a long history of similar conduct without firm sanction in the past

39. A lawyer outsources document review for a litigation matter to a contract review service based outside the United States. The service employs nonlawyer document reviewers. The lawyer pays a flat per-document fee to the service. The lawyer does not investigate the service's training protocols, confidentiality safeguards, or quality control measures before transmitting client documents.

- A. The lawyer's outsourcing may violate Rule 5.3 because lawyers must make reasonable efforts to ensure nonlawyers whose services they use perform work compatible with the lawyer's professional obligations
- B. The lawyer's outsourcing is automatically prohibited because Rule 5.3 categorically bars any use of foreign-based nonlawyer service providers in U.S. litigation matters
- C. The lawyer's outsourcing is permitted without any limitations because external services are independent contractors not subject to the lawyer's professional supervisory duties
- D. The lawyer's outsourcing is permitted provided that the service signs a standard confidentiality agreement before any documents are transmitted to it for review

40. A lawyer is negotiating settlement of a complex products liability case. The defendant manufacturer offers to settle the matter only on the condition that the lawyer agree not to represent any other plaintiffs in future cases against the same manufacturer. The lawyer's client is eager to settle and would accept the deal immediately.

- A. The lawyer may accept the restrictive condition because the rules of professional conduct do not interfere with the substantive terms of private settlement agreements
- B. The lawyer may not participate because Rule 5.6(b) prohibits an agreement that restricts a lawyer's right to practice as part of settling a client controversy
- C. The lawyer may accept the restriction provided that her current client gives informed written consent to the restriction's effect on the lawyer's future practice
- D. The lawyer may accept the restriction so long as it lasts for less than three years from the date of the final settlement agreement signing

41. A lawyer signs a sworn certification with the court stating that she has personally reviewed all documents produced in discovery. In fact, the lawyer delegated the review entirely to a paralegal and never reviewed any of the documents herself. The certification was material to a court ruling on a contested discovery dispute in the matter.

- A. No, because the lawyer's paralegal in fact reviewed the documents on her behalf, satisfying the spirit of the certification requirement
- B. No, provided that the lawyer believes her paralegal's work product was competent and would not have changed her own review conclusion
- C. Yes, but only if opposing counsel files a separate motion for sanctions specifically directed at the misrepresentation in the court filing

D. Yes, because Rule 8.4(c) prohibits conduct involving dishonesty or misrepresentation, and a knowingly false sworn certification falls squarely within the rule

42. A lawyer receives a formal inquiry letter from her state's disciplinary authority asking her to respond to a client complaint within thirty days. The lawyer believes the complaint is meritless and decides not to respond at all, planning to address the matter only if a formal disciplinary proceeding is later initiated against her.

A. The lawyer's nonresponse is permissible because the rules do not impose any affirmative duty to respond to preliminary disciplinary inquiries from the bar

B. The lawyer's nonresponse is permissible provided she does not affirmatively make any false statements when later asked about the inquiry letter received

C. The lawyer's nonresponse may itself violate Rule 8.1(b), which prohibits knowingly failing to respond to a lawful demand for information from a disciplinary authority

D. The lawyer's nonresponse is permissible because Rule 8.1 applies only to false statements made by applicants for bar admission, not to practicing lawyers later

43. A criminal defense lawyer is approached by two co-defendants charged with the same drug offense. They want to be represented jointly because they share resources. The lawyer's preliminary review shows each defendant has potential defenses that would implicate the other, and the prosecution has hinted at a cooperation deal for whoever speaks first.

A. The lawyer should decline joint representation because Rule 1.7 prohibits common representation where one client's representation will be materially limited by responsibilities to the other

B. The lawyer may represent both defendants jointly without disclosure because criminal co-defendants commonly share counsel for efficiency in drug prosecutions of this type

C. The lawyer may represent both defendants if each signs an oral consent to joint representation in the presence of a courtroom witness or court reporter

D. The lawyer may represent both defendants jointly so long as no cooperation deal has been formally extended to either of them at the relevant time

44. A lawyer drafts a will for an elderly client who is a long-time family friend but is not related to the lawyer by blood or marriage. The will leaves a substantial bequest to the lawyer's adult son, who is the

client's godson. The lawyer drafts the document but does not refer the client to independent counsel for review.

- A. Yes, because the client is making a voluntary bequest to the lawyer's son rather than to the lawyer personally herself in the will
- B. No, because Rule 1.8(c) prohibits preparing an instrument giving the lawyer or a person related to the lawyer a substantial gift unless related to the client
- C. Yes, provided that the lawyer's son is unaware of the proposed bequest at the time the will is being drafted by the lawyer for the client
- D. No, but only if the lawyer's son ultimately receives the bequest after the death of the elderly client who is making the bequest

45. A lawyer represents a creditor in a debt collection matter. To pressure the debtor into payment, the lawyer sends a letter stating, "Unless you pay the full amount within ten days, my client will file a criminal complaint accusing you of theft and ensure your prosecution." The underlying matter is a civil debt with no criminal aspect.

- A. Yes, because aggressive collection letters threatening criminal prosecution are protected by the litigation privilege for advocates in civil matters generally
- B. Yes, provided that the debtor in fact owes the underlying civil debt that is the subject of the threatening letter sent to her
- C. No, but only if the debtor actually pays the debt under duress within the ten-day deadline stated in the demand letter received
- D. No, because using criminal prosecution solely to obtain advantage in a civil matter may constitute extortion or violate related Rules in many jurisdictions

46. A lawyer is litigating a case before a state trial judge. The lawyer's law firm makes a substantial campaign donation to the judge during her ongoing retention election campaign. The donation is made while the lawyer's case is pending before the judge and is publicly disclosed under state election law as required.

- A. The lawyer or firm may be subject to scrutiny under Rule 3.5(a), which prohibits seeking to influence a judge by means prohibited by law

- B. The lawyer faces no professional conduct issue because all campaign donations to elected judges are constitutionally protected political activity in elections
- C. The lawyer may make the donation provided she submits it through an intermediary so that the judge does not know its actual source initially
- D. The lawyer may make the donation provided she discloses the donation in writing to opposing counsel before the next hearing in the pending case

47. A lawyer represents a wealthy individual on a confidential matter. At a professional networking event, another lawyer asks the representing lawyer whether she handles work for the wealthy individual, who is well-known publicly. The representing lawyer answers, "Yes, I represent her on a number of matters."

- A. The lawyer's response is permissible because the client's general retention of legal counsel is widely known among the broader professional public
- B. The lawyer's response may violate Rule 1.6 because client identity itself can constitute information relating to the representation requiring informed consent before disclosure
- C. The lawyer's response is permissible because confirming representation without revealing matter details creates no risk of harm to the client's substantive interests
- D. The lawyer's response is permissible provided that the other lawyer asking the question is also bound by the same confidentiality obligations under Rule 1.6

48. A lawyer is several weeks into representing a plaintiff in a personal injury action. Through new information, the lawyer learns that the defendant company is owned by an entity in which the lawyer's spouse has recently acquired significant financial interest. The lawyer concludes this creates a conflict under Rule 1.7 requiring resolution.

- A. The lawyer must remain silent about the conflict and continue representing the plaintiff through the conclusion of the trial as currently scheduled
- B. The lawyer should immediately disclose the conflict only to opposing counsel and need not advise her own client or the trial court at all
- C. The lawyer must address the conflict promptly, including consulting with the client, considering whether informed consent could resolve it, and potentially withdrawing if not
- D. The lawyer should continue the representation but obtain only the opposing party's consent rather than her own client's consent to the ongoing conflict

49. A lawyer represents a client in a divorce case. The lawyer needs to obtain copies of the opposing spouse's bank records. The lawyer learns that her client's neighbor works at the relevant bank. Without authorization, the lawyer asks the neighbor to access the opposing spouse's account records and provide her with copies.

- A. The lawyer's request is permissible because the neighbor has independent access to bank records as part of her own legitimate employment
- B. The lawyer's request is permissible provided that the bank records are subsequently produced through formal discovery in the divorce proceeding
- C. The lawyer's request is permissible because divorce litigation justifies obtaining relevant financial records by any means reasonably available
- D. The lawyer's request violates Rule 4.4(a) and likely other laws, because lawyers must respect third-party rights and may not use methods that violate privacy laws

50. A criminal defense lawyer in private practice represents two co-defendants charged with conspiracy. Both are aware they may have potentially conflicting accounts. Each wants the same lawyer. The lawyer reasonably believes she can competently represent both, has explained the implications in detail, and has obtained signed informed consent from each defendant after thorough consultation.

- A. The lawyer may never represent multiple criminal co-defendants regardless of consent because criminal co-defendant representation is per se non-consentable in any jurisdiction
- B. The lawyer must withdraw from representing both clients before any cooperation discussions begin with the prosecutor's office in the matter
- C. The joint representation may be permitted under Rule 1.7(b) if the lawyer reasonably believes she can competently represent each, with informed consent confirmed in writing
- D. The lawyer may represent both defendants without obtaining their informed consent if the case is unlikely to proceed to trial in the matter

51. A lawyer is retained by an elderly client to handle a routine probate matter that the lawyer knows from experience requires approximately ten hours of work. The lawyer charges a flat fee of \$50,000 for the matter, knowing it is many times above standard rates in the community. The client, who is unsophisticated, signs the agreement without negotiation.

- A. No, because Rule 1.5(a) prohibits unreasonable fees, and the agreed fee far exceeds what would be reasonable given the modest work required and prevailing rates
- B. Yes, because the client voluntarily signed the fee agreement and contract principles ordinarily honor freely-bargained terms between parties to a contract
- C. Yes, provided the fee agreement clearly specifies the flat-fee structure and the limited scope of probate services to be provided to the client
- D. No, but only if the elderly client later complains in writing to the local bar association about the level of the fee charged for the work

52. A lawyer maintains a single account into which she deposits all funds — her firm operating receipts, her personal funds, and client trust funds — to simplify her bookkeeping. She carefully tracks the source of each deposit in her internal ledger. She has never failed to disburse any client funds when properly owed to the client.

- A. No, because the lawyer's careful ledger record-keeping has prevented any actual harm to client funds during the entire arrangement period
- B. Yes, because Rule 1.15(a) requires holding client funds separate from the lawyer's own property, and commingling violates the rule regardless of bookkeeping accuracy
- C. No, provided the lawyer's monthly bookkeeping reconciliation correctly identifies and separates client funds from her personal and operating funds for accounting purposes
- D. Yes, but only if the lawyer has ever failed to disburse client funds to the appropriate person when properly owed under any client matter

53. A lawyer is discharged by her client who is dissatisfied with the lawyer's progress on the case. The client demands the return of the entire client file. The lawyer claims she is owed \$5,000 in unpaid fees and refuses to turn over the file until the disputed fees are paid in full. The case has a court hearing scheduled in two wetwo weeks.

- A. The lawyer may withhold the entire file as security for her unpaid fees because lawyers have a general retaining lien on client files in most states
- B. The lawyer may withhold copies of all of her own work product but must return original client documents that were created by or belong to the client
- C. The lawyer may withhold the file in any jurisdiction until the fee dispute is fully resolved through arbitration or litigation between lawyer and client

D. Under Rule 1.16(d), the lawyer must surrender papers and property to which the client is entitled, particularly where retention would prejudice the client's interests, regardless of unpaid fees

54. A lawyer admitted to practice five years ago is now under investigation for inconsistencies in her bar admission application. The disciplinary authority has discovered that she falsely answered "no" to a question about prior academic misconduct in college. The misconduct involved a single cheating incident for which she had been disciplined.

A. The lawyer is no longer subject to discipline because the misrepresentation occurred years before her admission to the bar and her current practice

B. The lawyer is not subject to discipline because the underlying college incident is too old to be material to current law practice activities

C. Yes, because Rule 8.1 prohibits knowingly false statements in connection with a bar admission application, and the duty extends to her past application even after admission

D. The lawyer is not subject to discipline unless the disciplinary authority can also prove the misrepresentation actually changed the admission decision at the time

55. A trial judge is presiding over a contentious criminal case involving a defendant from a particular religious minority. In private chambers, the judge tells courtroom staff that she "doesn't trust" people from that religious community generally and finds them "untrustworthy on the stand." The judge nonetheless purports to preside impartially in the case.

A. The judge's private comments are protected by judicial deliberative privilege and are not subject to professional conduct rules of the jurisdiction

B. The judge's comments violate Rule 2.3 of the Code, which prohibits manifesting bias or prejudice on the basis of religion in the performance of judicial duties

C. The judge's comments are subject to discipline only if they are made publicly in open court rather than in private chambers with staff

D. The judge's comments are subject to discipline only if the defendant ultimately receives an adverse ruling or conviction in the underlying criminal case

56. A lawyer is mid-trial in a complex civil case when she learns her brother is a key witness against her client and will be called by opposing counsel. The lawyer was unaware of her brother's involvement until

the witness list was finalized that morning. She seeks to withdraw from the case immediately due to the conflict.

- A. The lawyer must seek the court's permission to withdraw under Rule 1.16(c), and the court may deny withdrawal mid-trial if it would prejudice the proceedings
- B. The lawyer must continue representing her client through verdict without seeking withdrawal because mid-trial withdrawal is per se prohibited under all rules
- C. The lawyer may withdraw unilaterally without notice to or permission from the court because the new conflict justifies immediate departure from the case at trial
- D. The lawyer may withdraw provided that opposing counsel signs a written waiver agreeing to the late withdrawal during the active trial proceeding immediately

57. A lawyer is litigating an emergency request for a temporary restraining order. The matter is genuinely urgent and the lawyer has not been able to give the opposing party adequate notice despite reasonable efforts to do so. The lawyer appears before the judge ex parte to argue the application on an expedited basis.

- A. The lawyer's ex parte communication violates Rule 3.5(b) categorically because all ex parte contact with judges about pending matters is prohibited under any circumstances
- B. The lawyer's ex parte communication is permissible only if opposing counsel later consents in writing to the prior contact with the judge after the fact
- C. The ex parte communication may be permissible if authorized by law, but Rule 3.3(d) requires disclosure of all material facts to the court including adverse ones
- D. The lawyer's ex parte communication is permissible without any further obligation provided the underlying motion is meritorious on the law and facts when argued

58. A lawyer represented a corporation in a major litigation that concluded two years ago. The lawyer is contacted by a journalist writing a retrospective article about the case. The journalist asks the lawyer to share her "inside perspective" on the corporation's trial strategy and internal deliberations. The corporation has not given consent.

- A. The lawyer may freely discuss the case because the litigation has concluded and the duty of confidentiality terminates with the representation at conclusion

B. The lawyer may discuss the case provided she avoids disclosing any specific factual information that was not already part of the public trial record

C. The lawyer may speak generally about the case provided the journalist agrees not to attribute statements directly to the lawyer in the published article

D. The lawyer may not disclose information relating to the representation, because Rule 1.9(c) extends the duty of confidentiality to former clients and internal strategy is protected

59. A lawyer is retained by a company to evaluate the company's compliance program for use by an outside investor in an acquisition decision. The lawyer's report will be shared directly with the investor, who is not represented by the lawyer. The lawyer reasonably believes the evaluation is compatible with other aspects of the lawyer's relationship with the company.

A. The lawyer must decline because evaluations prepared for use by third parties create per se non-consentable conflicts under the rules of professional conduct

B. Under Rule 2.3, the lawyer may provide the evaluation if she reasonably believes it is compatible with the client relationship, with informed consent required for material adverse effects

C. The lawyer may provide the evaluation only if the third-party investor first signs an engagement letter retaining her as additional counsel for purposes of the evaluation

D. The lawyer may provide the evaluation only if she resigns from all other matters for the company before completing the evaluation report for the investor

60. A lawyer represents a defendant in a high-profile criminal trial. The case has generated extensive prejudicial media coverage initiated by police and prosecution sources. The lawyer is asked what topics she may discuss publicly to mitigate the prejudice without violating Rule 3.6 trial publicity standards.

A. The lawyer may discuss the credibility of witnesses, the strength of the prosecution's evidence, and the defendant's likelihood of acquittal in detail to the press

B. The lawyer may make any statements at all because Rule 3.6(c)'s right-of-reply safe harbor categorically permits all defense responses without content limitations on topic

C. Rule 3.6(b) lists topics generally permitted publicly, including the offense involved, information in public record, scheduling, the general defense nature, and assistance requests for evidence

D. The lawyer may discuss only matters explicitly authorized in advance by the trial court via written order after a hearing on the proposed public statements to the press

ANSWER KEY – PRACTICE EXAM 6 (MPRE)

- 1. D** — Rule 8.5(b)(1) provides that for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits govern, unless the tribunal's rules provide otherwise. Choice of law is driven by the forum, not by the lawyer's primary office location or by personal preference. The State B court's rules control the lawyer's conduct in the litigation.
- 2. A** — Rule 1.2(a) reserves to the client in a civil matter the decision whether to settle. The lawyer's tactical disagreement about valuation does not override that client-reserved decision. Unilaterally rejecting an offer without consultation usurps the client's authority and is sanctionable.
- 3. C** — Rule 1.5(a) prohibits a lawyer from charging an unreasonable fee, evaluated against the factors listed in the rule, including time and labor required, customary local fees, and the experience of the lawyer. A \$10,000 flat fee for five hours of routine work far above prevailing rates fails that test. A signed engagement letter does not validate an otherwise unreasonable fee.
- 4. B** — Rule 1.4(a) requires the lawyer to promptly inform the client of any decision or circumstance requiring informed consent. A plea offer is a paradigm client-reserved decision under Rule 1.2(a), and concealing the offer deprives the client of the ability to make that decision. The lawyer's view of the defense's strength does not authorize suppression.
- 5. D** — Rule 1.6(b)(1) permits a lawyer to reveal information relating to the representation to the extent reasonably necessary to prevent reasonably certain death or substantial bodily harm. Ongoing toxic exposure already injuring workers and certain to injure more is the paradigm trigger. The exception is discretionary but expressly available, and the company's refusal to recall does not require the lawyer's silence.
- 6. A** — Rule 1.9(a) prohibits a lawyer from representing another person in a substantially related matter with materially adverse interests to a former client without informed consent confirmed in writing. Challenging as unconscionable the very loan documents the lawyer drafted for the former bank client is substantially related. Without consent, the representation is barred.
- 7. B** — Rule 1.10(a) imputes one firm lawyer's concurrent conflict to all other lawyers in the firm, absent the consent required by Rule 1.7. Direct adversity to a current firm client triggers imputation regardless of whether the matters are unrelated or whether the two firm lawyers actually consult. Lack of Rule 1.7 consent ends the analysis.
- 8. B** — Rule 1.7(a)(2) creates a conflict whenever there is a significant risk that the representation will be materially limited by the lawyer's own financial interests. A personal investment in the buyer while negotiating against the buyer for the seller is exactly such a limitation. The conflict requires disclosure and informed consent, not silent acceptance.
- 9. C** — Rule 1.7(b) and Comment [18] require a lawyer undertaking common representation to explain the implications of joint engagement, including risks to confidentiality and the absence of attorney-client privilege between co-clients, and to obtain each client's informed consent confirmed in writing. Differing

capital contributions and roles make the disclosure especially important. Coming to the lawyer as a group does not waive the procedural requirements.

10. A — Rule 1.10(a)(2) permits a firm to represent a client adverse to a lateral lawyer's former client if the lateral lawyer is timely screened from any participation, apportioned no part of the fee, and written notice is promptly given to the affected former client. The notice gives the former client an opportunity to evaluate the screening's adequacy. Screening is a recognized cure for what would otherwise be firm-wide imputation.

11. D — Rule 1.8(e) prohibits a lawyer from providing financial assistance to a client in connection with pending or contemplated litigation, except that a lawyer may advance court costs and expenses of litigation, and may pay such costs for indigent clients. Personal loans for living expenses fall outside the permitted exceptions. The hardship motive does not override the categorical bar.

12. C — Rule 1.8(i) generally bars a lawyer from acquiring a proprietary interest in the cause of action or subject matter of the litigation, with limited exceptions for liens authorized by law and contracts for reasonable contingent fees in civil cases. Taking an assignment of the patent itself is acquiring a proprietary interest in the very subject matter of the suit. Neither exception covers a substantive ownership stake in the disputed property.

13. A — Rule 3.7(a)(3) permits a lawyer to act as advocate at a trial in which she is likely to be a necessary witness when disqualification would work substantial hardship on the client. Imminent trial, deep familiarity with a complex two-year-old case, and the cost of substitute counsel can satisfy that hardship standard. The exception preserves client access to chosen counsel where withdrawal would cause real injury.

14. D — Rule 3.3(a)(3) prohibits a lawyer from offering evidence the lawyer knows to be false; when the client intends to testify falsely, the lawyer must first attempt to dissuade, and if that fails, take reasonable remedial measures, including seeking leave to withdraw. The narrative-question approach is not the Model Rules' prescribed solution. Permitting straight false testimony is not an option.

15. B — Rule 3.6(b) lists categories of extrajudicial statements expressly permitted notwithstanding the general restriction, including the claim or offense involved, information in a public record, and the scheduling of the proceeding. Each of the lawyer's statements falls within those safe-harbor categories. The narrow safe harbor exists precisely to allow counsel to address the press at routine moments without violating Rule 3.6(a).

16. C — Comment [7] to Rule 4.2 protects from direct contact any constituent who supervises, directs, or regularly consults with counsel about the matter, has authority to obligate the organization, or whose act or omission may be imputed to the organization. The VP who personally signed the contract is precisely such a constituent. Consent of corporate counsel is required before the interview.

17. A — Rule 4.3 requires a lawyer dealing with an unrepresented person, when the lawyer knows or reasonably should know the person misunderstands the lawyer's role, to make reasonable efforts to correct the misunderstanding. The witness's question expressly reveals her misunderstanding. Clarification is an affirmative duty, not a matter of discretion.

18. D — Rule 1.15(a) requires lawyers to hold client property separate from the lawyer's own, and unauthorized use of trust funds — however brief and however carefully replaced — is misappropriation. Restoration on schedule and absence of client harm do not cure the violation. The rule's prophylactic purpose is to prevent any unauthorized access to client funds in the first instance.

19. C — Rule 7.2(c) prohibits a lawyer from stating or implying that she is a certified specialist unless the lawyer has been certified by an organization approved by an appropriate state authority or accredited by the ABA, and the certifying organization is clearly identified. Self-styled "specialist" designations without qualifying certification violate the rule. Extensive experience is not a substitute for the formal certification framework.

20. B — Rule 7.3 generally prohibits live, in-person, telephonic, or real-time electronic solicitation of professional employment when significant motive is the lawyer's pecuniary gain, except for limited categories such as other lawyers, family members, close personal friends, and prior professional clients. Direct hospital solicitation of injured victims fits none of those exceptions. Public emergencies do not create a Rule 7.3 carve-out for live solicitation.

21. A — Rule 6.1 expresses an aspirational professional responsibility that every lawyer should aspire to render at least 50 hours of pro bono publico services annually, with suggested allocations. The rule is not enforced through discipline for nonperformance. Long careers without pro bono service therefore do not, by themselves, support a disciplinary sanction.

22. D — Many jurisdictions impose specific self-reporting obligations for criminal convictions, and noncompliance with such a self-reporting rule may itself constitute professional misconduct under Rule 8.4(a) and related provisions, independent of any discipline for the underlying conviction. The duty is not limited to felonies, and absence of injury to others does not excuse it. Self-reporting rules are distinct from Rule 8.3's third-party reporting obligation.

23. B — The Model Code's definition of "economic interest" in Rule 2.11 excludes an interest in a common investment fund where the judge does not participate in management, unless the interest could be substantially affected by the proceeding. A small indirect mutual-fund position with no managerial role typically falls outside the disqualification trigger. Disclosure may still be prudent, but mandatory recusal is not the default.

24. A — Rule 3.13 of the Model Code limits gifts a judge may accept, with substantial-value gifts from non-relatives barred where the gift could reasonably appear to undermine the judge's independence, integrity, or impartiality. Season tickets worth thousands from a dealer whose business interests may bring him before the court fit the prohibited category. Absence of a currently pending matter does not cure the appearance problem.

25. C — Rule 5.5(c) permits limited temporary practice in another U.S. jurisdiction, and Rule 5.5(d) addresses certain authorized practice scenarios, but practice pending admission depends on both Model Rule 5.5's framework and each receiving jurisdiction's specific rules for waiting-period activity. Several states have detailed practice-pending-admission programs while others do not. The answer therefore turns on State B's rules together with Rule 5.5.

26. D — Rule 1.16(a)(1) mandates that a lawyer withdraw if continued representation will result in violation of the rules of professional conduct or other law. Continuing to represent a client who insists on using the lawyer's services to commit fraud on the court is precisely that situation. Permissive withdrawal under 1.16(b) is not the operative path when continued representation would itself violate Rule 3.3 or Rule 1.2(d).

27. B — Rule 1.5 and its comments contemplate fee disputes being resolved through established arbitration mechanisms, and most jurisdictions implementing the Model Rules either encourage or require lawyers to participate in fee arbitration when the client demands it through an established bar program. Lawyer preference for civil litigation does not displace the participation obligation. The mechanism balances client protection with efficient resolution.

28. A — Rule 5.4(b) prohibits a lawyer from forming a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law. Multi-disciplinary practice involving shared profits with a non-lawyer professional in legal-services delivery falls within that prohibition under the Model Rules. Most jurisdictions have not adopted limited MDP reforms proposed by some commentators.

29. D — Rule 1.14(b) permits a lawyer to take reasonably necessary protective action, including consulting with individuals who have ability to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem or guardian. The standard requires both diminished capacity and risk of substantial harm if no action is taken. Both immediate withdrawal and unilateral decision-making by the lawyer overcorrect for the situation.

30. C — Rule 1.6(b)(2) permits a lawyer to reveal information to the extent reasonably necessary to prevent the client from committing a crime or fraud reasonably certain to cause substantial injury to the financial interests of another and in furtherance of which the client has used or is using the lawyer's services. Transaction-document drafting at the heart of the fraud satisfies the lawyer's-services prong. Disclosure is discretionary but expressly available.

31. B — Rule 1.11(d)(2)(ii) prohibits a lawyer currently serving as a public officer from negotiating private employment with any person involved as a party or attorney for a party in a matter in which the public lawyer is participating personally and substantially. Negotiating with the law firm representing the prosecution target is the paradigm restricted contact. The restriction exists to prevent appearance and reality concerns during active government service.

32. A — Rule 1.12(a) prohibits a lawyer from representing anyone in a matter in which she participated personally and substantially as an arbitrator, mediator, or other third-party neutral, unless all parties give informed consent confirmed in writing. A new dispute "arising out of related events" between the same parties implicates the same matter. Without all-party consent, the representation is barred.

33. D — Rule 3.1 prohibits asserting or controverting an issue in a proceeding unless there is a basis in law and fact that is not frivolous, which includes a good-faith argument for extending, modifying, or reversing existing law. An appeal pursued solely for delay, with the client expressly stating no other purpose, fails that test. A right of appeal is not a license for frivolous filings.

34. C — Rule 3.4(a) prohibits a lawyer from unlawfully obstructing another party's access to evidence and from counseling or assisting another person to do so. Telling the client "If you do, no one will know it ever existed" before the destruction is counseling and assisting in evidence destruction. The lawyer's involvement need not include physical destruction to violate the rule.

35. B — Rule 4.1(a) prohibits a lawyer from knowingly making a false statement of material fact to a third person in the course of representation. A client's actual medical diagnosis is a material fact, not negotiation puffing. The puffing exception applies to soft statements about settlement value or party intent, not to misrepresentations of objective clinical facts.

36. A — Ethics opinions interpreting Rule 4.4(b) and related provisions generally direct that when a lawyer receives metadata that was apparently not intended to be transmitted, the lawyer should refrain from reviewing it and should notify opposing counsel of the inadvertent disclosure. The principle parallels Rule 4.4(b)'s treatment of inadvertently disclosed documents. Active mining of opponent strategy metadata is widely disfavored.

37. D — Rule 5.1(a) requires partners and lawyers with comparable managerial authority to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers conform to the Rules. Absence of conflict-checking, trust-account, and supervisory systems is a paradigm 5.1(a) failure. Past absence of problems does not satisfy the prospective duty to establish safeguards.

38. C — Rule 5.2(a) provides that a lawyer is bound by the Rules notwithstanding that the lawyer acted at the direction of another person. The Rule 5.2(b) protection applies only to arguable questions of professional duty, not to clear violations such as falsifying time records. Following a senior partner's instruction is not a defense to discipline for a clear ethical breach.

39. A — Rule 5.3 requires lawyers using nonlawyers outside the firm, including third-party service providers, to make reasonable efforts to ensure that the services are provided in a manner compatible with the lawyer's professional obligations. Comment [3] specifically addresses outsourcing and offshore providers. Transmitting client documents to an unvetted overseas vendor fails the diligence the rule requires.

40. B — Rule 5.6(b) prohibits a lawyer from offering or making an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy. The prohibition protects future plaintiffs and the lawyer's professional independence, and it cannot be waived by the current client's consent. The lawyer must reject the restrictive condition even if doing so jeopardizes the present settlement.

41. D — Rule 8.4(c) prohibits conduct involving dishonesty, fraud, deceit, or misrepresentation, and a knowingly false sworn certification to a court falls squarely within the rule. Misrepresenting personal document review to influence a discovery ruling is precisely the type of misconduct the rule targets. Paralegal review does not satisfy a personal-review certification.

42. C — Rule 8.1(b) prohibits a lawyer in connection with a disciplinary matter from knowingly failing to respond to a lawful demand for information from an admissions or disciplinary authority, subject to

applicable claims of privilege. Ignoring a formal inquiry letter is itself a sanctionable violation. The duty is independent of the merit of the underlying client complaint.

43. A — Rule 1.7(a)(2) creates a conflict where representation of one client will be materially limited by responsibilities to another, and Rule 1.7(b)(3) can render such a conflict non-consentable when clients have directly opposing interests in the same proceeding. Co-defendants with mutually implicating defenses and pending cooperation deals present extreme conflict risk. The lawyer should generally decline rather than attempt to engineer consent.

44. B — Rule 1.8(c) prohibits a lawyer from preparing on behalf of a client an instrument giving the lawyer or a person related to the lawyer a substantial gift, unless the lawyer or recipient is related to the client. A child of the lawyer is a "person related to the lawyer" within the rule's scope. Non-relative status between lawyer and client triggers the categorical bar regardless of the client's intent.

45. D — Most jurisdictions prohibit threatening criminal prosecution solely to obtain advantage in a civil matter, either through specific rules or through application of Rule 8.4(b) and 8.4(d). The Model Rules removed the explicit DR 7-105 prohibition, but the conduct often constitutes extortion under criminal law and undermines the integrity of both civil and criminal processes. Truth of the underlying debt does not legitimize the threat.

46. A — Rule 3.5(a) prohibits a lawyer from seeking to influence a judge by means prohibited by law. Substantial campaign donations to a judge actively presiding over the lawyer's case raise concerns under applicable judicial-conduct and election-law rules, even when publicly disclosed. The scrutiny applies even though donations as such are constitutionally protected speech in many settings.

47. B — Rule 1.6's protection extends to information relating to the representation, which includes the identity of the client in contexts where the fact of representation could be sensitive. Confirming a client relationship at a networking event without consent can constitute a sanctionable disclosure. The well-known status of the client does not waive the lawyer's confidentiality duty.

48. C — When a conflict surfaces mid-representation, the lawyer must address it promptly under Rule 1.7, including consulting with the client about the conflict, evaluating whether informed consent under Rule 1.7(b) is available, and withdrawing under Rule 1.16(a)(1) if the conflict is non-consentable or consent is not given. Silence is not an option. Opposing-party consent does not substitute for the lawyer's own client's involvement.

49. D — Rule 4.4(a) prohibits a lawyer from using means that have no substantial purpose other than to embarrass, delay, or burden a third person, or that violate the legal rights of such a person. Soliciting an unauthorized employee to disclose private bank records implicates banking-confidentiality laws and third-party privacy rights. The litigation context does not authorize methods that violate substantive law.

50. C — Rule 1.7(b) permits a lawyer to represent multiple clients despite a concurrent conflict if the lawyer reasonably believes she can provide competent and diligent representation to each, the representation is not prohibited by law, the clients are not asserting claims against each other in the same proceeding, and each gives informed consent confirmed in writing. Documented thorough disclosure and

signed consent satisfy the rule's procedural framework. The rule's safeguards permit what would otherwise be problematic concurrent representation.

51. A — Rule 1.5(a) prohibits a lawyer from charging an unreasonable fee, evaluated against factors including time and labor required, customary local fees, and the lawyer's experience. Charging \$50,000 for ten hours of routine probate work, knowing this far exceeds prevailing rates, is unreasonable on its face. Client signature on a voluntary engagement does not validate the otherwise excessive fee.

52. B — Rule 1.15(a) requires lawyers to hold client funds separate from the lawyer's own property in a designated trust account. Commingling client funds with the lawyer's personal and operating funds violates the rule regardless of the accuracy of internal ledger entries. The prophylactic separation requirement is itself the protection, not the absence of harm.

53. D — Rule 1.16(d) requires that upon termination of representation, the lawyer take steps to the extent reasonably practicable to protect the client's interests, including surrendering papers and property to which the client is entitled. Retaining liens are limited in many jurisdictions and cannot be used to prejudice the client's interest, particularly with a hearing imminent. The lawyer's fee dispute does not override her duty to surrender the file.

54. C — Rule 8.1 prohibits an applicant for admission from knowingly making a false statement of material fact in connection with the application, and the obligation supports discipline even after admission when the falsity is later discovered. Materiality is judged at the time of application, not by later events. Subsequent admission and time elapsed do not insulate the misrepresentation from discipline.

55. B — Rule 2.3 of the Code of Judicial Conduct prohibits a judge from manifesting bias or prejudice in the performance of judicial duties, expressly including statements about religion, made in court or in conduct with court personnel. Private chambers commentary by a presiding judge about a litigant's religious community falls squarely within the rule. Privacy does not insulate the conduct from discipline.

56. A — Rule 1.16(c) requires a lawyer to comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. Mid-trial withdrawal typically requires court permission, and the trial court has broad discretion to deny withdrawal where it would prejudice the proceedings. The new conflict justifies seeking leave, but unilateral departure is not permissible.

57. C — Rule 3.5(b) allows ex parte communications with a judge that are authorized by law or court order, which includes emergency TRO procedures permitting ex parte presentation. Rule 3.3(d) imposes on the lawyer in such ex parte proceedings a duty to inform the tribunal of all material facts known to the lawyer, including adverse facts. Routine adversary notification is not the operative requirement in genuine emergencies.

58. D — Rule 1.9(c) prohibits a lawyer who has formerly represented a client from revealing information relating to the representation or using it to the disadvantage of the former client, except as the Rules would otherwise permit. Discussions of internal trial strategy and deliberations are core protected information. The conclusion of the litigation does not lift the duty.

59. B — Rule 2.3 permits a lawyer to provide an evaluation of a matter affecting a client for use by someone other than the client if the lawyer reasonably believes the evaluation is compatible with other aspects of the relationship, and the client gives informed consent when the evaluation is likely to affect the client's interests materially and adversely. The third-party evaluation framework is the rule's specific carve-out for compliance and similar reports. Resignation from other client matters is not required.

60. C — Rule 3.6(b) enumerates specific categories of statements a lawyer may make notwithstanding the general prohibition, including the claim or offense involved, information in a public record, scheduling of the proceeding, the general nature of the claim or defense, and requests for assistance in obtaining evidence. The safe harbor permits orderly public information without violating 3.6(a). Counsel discussing witness credibility or predicting outcomes goes beyond what 3.6(b) protects.