

PROFESSIONAL RESPONSIBILITY

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SAMPLE MULTIPLE-CHOICE QUESTIONS

1. You are the lawyer for Serna, a moderately wealthy and elderly widower who never fathered any children and who detests his living relatives. Serna wishes to execute a new will has asked you for your advice concerning a proper charity or nonprofit organization to which he should leave his estate. As a proud (but not yet wealthy) graduate of St. Mary's University School of Law, you have always dreamed of giving money to the school to support a student scholarship fund. May you suggest to Serna that he give money to St. Mary's to use for scholarships for such students?

A. Yes, but if Serna accepts the suggestion, you must advise Serna to have another lawyer write the will.

B. Yes, but if Serna accepts the suggestion, you must advise Serna to obtain the consent of his relatives.

C. Yes, but if Serna accepts the suggestion, you must advise Serna of your personal interest in having St. Mary's receive the money because you are an alum of the school, and you may not exert any pressure on Serna to follow this suggestion.

D. No, your motivation in having your alma mater receive the funds creates a conflict of interest.

2. Three injured persons have asked you to serve as lead counsel in a lawsuit against Raptor Products, Inc. The estimated recovery is difficult to ascertain, but you are confident that the recovery might be up to a million dollars. You and your sister are the beneficiaries of a trust set up by your parents, which trust includes ownership of 500 shares of Raptor Products. The total number of shares outstanding in Raptor Products is 2 million. You are confident that your ability to competently and zealously represent the plaintiffs in this case will not be affected by the existence of the trust's ownership of Raptor stock. May you represent the injured persons?

A. Yes, as long as you obtain the consent of the plaintiffs after disclosing the existence of the trust and its ownership of Raptor stock.

B. Yes, because your interest in Raptor Products as a trust beneficiary does not create a conflict of interest.

C. No, because even a small adverse financial interest creates a conflict of interest that requires your disqualification.

D. No, because other competent counsel are available to represent plaintiffs, so your representation is not necessary for plaintiffs to receive adequate representation.

3. For a 40% contingency fee, you represent Terry and Robin, who have sued Pat for product disparagement. Pat, Terry and Robin are competitors in the plant seed business. Pat's ads falsely claimed that Terry's seeds and Robin's seeds were inferior. Your suit filed on behalf of Terry and Robin alleges damages and requests a permanent injunction prohibiting Pat from making such false claims now or in the future. Pat's lawyer has called you to make the following settlement offer. Pat will agree to the injunction, and will pay a total of \$100,000 to Terry and Robin for the damages caused by the false ads. What answer is the most accurate?

A. You may reject the settlement offer because you believe the offer is insufficient to properly redress the injuries suffered by Terry and Robin.

B. You must reject the offer as long as you believe in good faith that the proposed settlement is insufficient to properly redress the injuries suffered by Terry and Robin.

C. You must let Terry and Robin decide to accept the offer, even though you believe the offer is unconscionably low.

D. You may accept the settlement offer, as long as you distribute the proceeds equally to Terry and Robin.

4. You have been asked by a former high school classmate to defend him from a civil claim of fraud. The plaintiff, a 75-year old widow, alleges that your classmate drained her of her last \$75,000 in savings. You never really liked this person in high school, and, although you are not aware of the evidence against this former classmate, you believe it quite possible that this former classmate might do something like defraud a 75-year old widow. You want to turn down this case. Which, if any, of the reasons listed below is a permissible reason for you to decline such employment?

I. You do not want to represent this client because of pending work for other clients.

II. You do not believe you are competent to represent the classmate in this matter.

III. The classmate is not a current client.

IV. You are convinced your classmate will not pay you for your work.

A. All of the above.

B. None of the above.

C. I and II only.

D. II only.

5. You have decided to bite the bullet and advertise on TV. To attract the listener's attention, you state: "I will never charge more than \$100 per hour for any kind of legal work, and if your legal problem is not complex, I will charge less." Which, if any, of the following are correct?

I. You are subject to discipline if you fail to keep a recording of the ad for two years.

II. You are subject to discipline if you fail to mention that other local lawyers charge less for their hourly rates.

III. You are subject to discipline for using a misleading ad if you charge up to \$150 per hour for extremely complex legal work.

A. All of the above.

B. None of the above.

C. I and III only.

D. I and II only.

6. You represent Davis in a divorce action. Davis has told you that one reason she is determined to end her marriage is because her spouse has told her he has a new part-time job: robbing convenience stores. She believes her spouse is responsible for a recent robbery and shooting which left the clerk in a coma. Davis has asked you to keep this information quiet because she fears for the safety of herself and her children, and to complete the divorce as soon as possible. Which of the following is accurate?

A. You may reveal this information in the divorce proceeding as long as you think this makes sense from a tactical standpoint.

B. You may reveal this information to the district attorney's office if Davis consents.

C. You must reveal the information because it appears Davis's spouse will continue committing these crimes.

D. You must keep the information confidential unless Davis consents.