

6. “Subject to criminal liability” asks whether the conduct described in the question would subject the lawyer to criminal liability for participation in or for aiding and abetting criminal acts, such as prosecution for insurance or tax fraud, destruction of evidence, or obstruction of justice.
7. When a question refers to discipline by the “bar,” “state bar,” or “state disciplinary authority,” it refers to the appropriate agency in the jurisdiction with authority to administer the standards for admission to practice and for maintenance of professional competence and integrity. Whenever a lawyer is identified as a “certified specialist,” that lawyer has been so certified by the appropriate agency in the jurisdiction in which the lawyer practices. The phrases “informed consent” and “consent after consultation” have the same meaning.

Subject Matter Outline

The following subject matter outline indicates the 2012 MPRE’s scope of coverage and the approximate percentage of items that are included in each major area. The outline is not intended to list every aspect of a topic mentioned. Although the test items for each MPRE are developed from these categories, each topic is not necessarily tested on each examination.

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| <p>I. Regulation of the legal profession (6–12%)</p> <ol style="list-style-type: none"> A. Powers of courts and other bodies to regulate lawyers B. Admission to the profession C. Regulation after admission—lawyer discipline D. Mandatory and permissive reporting of professional misconduct E. Unauthorized practice of law—by lawyers and nonlawyers F. Multijurisdictional practice G. Fee division with a nonlawyer H. Law firm and other forms of practice I. Responsibilities of partners, managers, supervisory and subordinate lawyers J. Restrictions on right to practice <p>II. The client-lawyer relationship (10–16%)</p> <ol style="list-style-type: none"> A. Formation of client-lawyer relationship B. Scope, objective, and means of the representation C. Decision-making authority—actual and apparent D. Counsel and assistance within the bounds of the law E. Termination of the client-lawyer relationship F. Client-lawyer contracts G. Communications with the client H. Fees | <p>III. Client Confidentiality (6–12%)</p> <ol style="list-style-type: none"> A. Attorney-client privilege B. Work product doctrine C. Professional obligation of confidentiality—general rule D. Disclosures expressly or impliedly authorized by client E. Other exceptions to the confidentiality rule <p>IV. Conflicts of interest (12–18%)</p> <ol style="list-style-type: none"> A. Current client conflicts—multiple clients and joint representation B. Current client conflicts—lawyer’s personal interest or duties C. Former client conflicts D. Prospective client conflicts E. Imputed conflicts F. Acquiring an interest in litigation G. Business transactions with clients H. Third party compensation and influence I. Lawyers currently or formerly in government service J. Former judge, arbitrator, mediator, or other third-party neutral <p>V. Competence, legal malpractice, and other civil liability (6–12%)</p> <ol style="list-style-type: none"> A. Maintaining competence B. Competence necessary to undertake representation C. Exercising diligence and care |
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- D. Civil liability to client, including malpractice
 - E. Civil liability to nonclients
 - F. Limiting liability for malpractice
 - G. Malpractice insurance and risk prevention
- VI. Litigation and other forms of advocacy (10–16%)
- A. Meritorious claims and contentions
 - B. Expediting litigation
 - C. Candor to the tribunal
 - D. Fairness to opposing party and counsel
 - E. Impartiality and decorum of the tribunal
 - F. Trial publicity
 - G. Lawyer as witness
- VII. Transactions and communications with persons other than clients (2–8%)
- A. Truthfulness in statements to others
 - B. Communications with represented persons
 - C. Communications with unrepresented persons
 - D. Respect for rights of third persons
- VIII. Different roles of the lawyer (4–10%)
- A. Lawyer as advisor
 - B. Lawyer as evaluator
 - C. Lawyer as negotiator
 - D. Lawyer as arbitrator, mediator, or other third-party neutral
 - E. Prosecutors and other government lawyers
 - F. Lawyer appearing in nonadjudicative proceeding
 - G. Lawyer representing an entity or other organization
- IX. Safekeeping funds and other property (2–8%)
- A. Establishing and maintaining client trust accounts
 - B. Safekeeping funds and other property of clients
 - C. Safekeeping funds and other property of third persons
 - D. Disputed claims
- X. Communications about legal services (4–10%)
- A. Advertising and other public communications about legal services
 - B. Solicitation—direct contact with prospective clients
 - C. Group legal services
 - D. Referrals
 - E. Communications regarding fields of practice and specialization
- XI. Lawyers' duties to the public and the legal system (2–4%)
- A. Voluntary pro bono service
 - B. Accepting appointments
 - C. Serving in legal services organizations
 - D. Law reform activities affecting client interests
 - E. Criticism of judges and adjudicating officials
 - F. Political contributions to obtain engagements or appointments
 - G. Improper influence on government officials
 - H. Assisting judicial misconduct
- XII. Judicial conduct (2–8%)
- A. Maintaining the independence and impartiality of the judiciary
 - B. Performing the duties of judicial office impartially, competently, and diligently
 - C. Ex parte communications
 - D. Disqualification
 - E. Extrajudicial activities