

THE MPRE

MULTISTATE PROFESSIONAL
RESPONSIBILITY EXAMINATION

2002

Information

Booklet

Saturday, March 9, 2002
Friday, August 9, 2002
Friday, November 8, 2002



NATIONAL CONFERENCE OF BAR EXAMINERS

Keep This Booklet for Reference

For the following information, please write to the addresses shown below, or telephone between 8:30 A.M. and 4:30 P.M. Central Time, Monday through Friday.

Application and Administration

National Conference of Bar Examiners
MPRE Application Department
2255 North Dubuque Road
P.O. Box 4001
Iowa City, IA 52243-4001
Phone 319/341-2500*
www.ncbex.org or www.act.org/mpre

Questions Concerning MPRE Scores

Include Social Security number, birth date, test date, and signature.

National Conference of Bar Examiners
MPRE Application Department
P.O. Box 451
Iowa City, IA 52243-0451
Phone 319/337-1304*

Other Correspondence and Inquiries

National Conference of Bar Examiners
P.O. Box 168
Iowa City, IA 52243-0168

*TDD for persons with hearing impairments:
319/337-1701 (must call from a TDD)

NOTE: The information in this booklet is believed to be correct at the time of publication. Since rules and policies of jurisdictions change, applicants are advised to consult the jurisdiction directly for the most current information.

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Special Notes

The Multistate Professional Responsibility Examination (MPRE) is required for admission to the bars of the following jurisdictions. Passing scores, which are established by each jurisdiction, follow in parentheses.

Alabama (75)	Montana (80)
Alaska (80)	Nebraska (85)
Arizona (85)	Nevada (85)
Arkansas (85)	New Hampshire (79)
California (79)	New Jersey (75)
Colorado (85)	New Mexico (75)
Connecticut (80)	New York (85)
Delaware (85)	North Carolina (80)
District of Columbia (75)	North Dakota (80)
Florida (80)	Northern Mariana Islands (75)
Georgia (75)	Ohio (85)
Guam (80)	Oklahoma (75)
Hawaii (85)	Oregon (85)
Idaho (85)	Palau (75)
Illinois (80)	Pennsylvania (75)
Indiana (80)	Rhode Island (80)
Iowa (80)	South Carolina (77)
Kansas (76)	South Dakota (75)
Kentucky (75)	Tennessee (75)
Louisiana (80)	Texas (85)
Maine (75)	Utah (80)
Massachusetts (85)	Vermont (80)
Michigan (75)	Virginia (85)
Minnesota (85)	Virgin Islands (75)
Mississippi (75)	West Virginia (75)
Missouri (80)	Wyoming (75)

For those applicants applying on or before the regular receipt deadline, the fee for the Multistate Professional Responsibility Examination is \$50.00. For those applying after the regular receipt deadline, the fee is \$100.00 (see page 4). Checks should be made payable to the National Conference of Bar Examiners. Application materials with insufficient or incorrect payment will be returned **unprocessed**. **Corrected application materials that are resubmitted must still meet the published application deadline for the test date requested. Absolutely no applications will be accepted after the late receipt deadline.**

Applicants may register for the MPRE by mail, or online at www.ncbex.org or www.act.org/mpre.

General Information

The Multistate Professional Responsibility Examination (MPRE) is assembled and administered by ACT™ on behalf of the National Conference of Bar Examiners (NCBE) as partial fulfillment of the requirements for application for admission to practice law in jurisdictions that require the MPRE. The examination is administered three times per year at established test centers across the country.

NCBE adopted new test specifications for the MPRE beginning with the March 1999 administration. The MPRE is based on the law governing the conduct of lawyers, including the disciplinary rules of professional conduct currently articulated in the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, as well as controlling constitutional decisions and generally accepted principles established in leading federal and state cases and in procedural and evidentiary rules. A description of the content of the examination, sample questions, and guidelines for taking the examination are provided on pages 30–61 of this booklet.

Since the MPRE requirements vary from one jurisdiction to another, check with the board of bar examiners in each jurisdiction to which you intend to apply before completing the enclosed materials. Examination results will be sent to you and to one jurisdiction of your choice and will be kept on file in Iowa City, Iowa. For information about reports to additional jurisdictions, see page 29.

Test construction and administrative services for the MPRE are provided by ACT; 2255 North Dubuque Road; P.O. Box 4001; Iowa City, IA 52243-4001.

ACT and NCBE take steps that are intended to ensure that application and answer documents are properly handled, processed, and scored. In the unlikely event that a mistake occurs in handling, processing, or scoring these documents or in reporting scores, ACT and NCBE will correct the error if possible or permit the examinee either to retest at no additional fee or to receive a refund of his/her examination fee.

Test Dates, Times, and Application Deadlines

The examination schedule is shown below.

<i>Test Date</i>	<i>Regular Application Receipt Deadline</i>	<i>Late Application Receipt Deadline</i>
March 9, 2002*	January 29, 2002	February 14, 2002
August 9, 2002	July 2, 2002	July 18, 2002
November 8, 2002	October 1, 2002	October 17, 2002

The Multistate Professional Responsibility Examination is two hours and five minutes in length. Applicants for the March exam must report to their assigned test center no later than 9:00 A.M., and for the August and November exams by 12:30 P.M.

*The March test date is on Saturday morning. An applicant whose religious beliefs preclude him or her from taking the examination on Saturday, March 9, may apply to take the MPRE on Monday afternoon, March 11, 2002. Requests to take the exam on Monday must be in writing and must include a letter from the applicant's cleric confirming the applicant's affiliation with a recognized religious entity that observes its Sabbath throughout the year on Saturday. The request should also include the city and state in which the applicant would like to take the exam. Requests for the Monday exam must be sent with the completed Application Form, using the pre-addressed envelope in the application packet; online registration is not available for the Monday MPRE. The applicant will be notified whether or not the request is granted.

Application Guidelines and Procedures

1. The application receipt deadlines for each test date are shown above. Application materials received on or before the regular application date **must** be accompanied by payment of \$50.00. Do not send cash. Materials received after this date will be returned unless accompanied by a late application fee (see page 5).

2. Applicants may apply for the MPRE **after** the regular receipt deadline but **before** the late application receipt deadline by submitting the required materials with payment of \$100.00.
3. Materials must be **received** in the MPRE Application Department in Iowa City by 4:30 P.M. Central Time on the published deadline date (see page 4). Online applications must be successfully submitted by the published deadline.
4. Test center choices for applicants cannot be guaranteed. Applicants are advised to submit materials early, as many test centers become full. Late applicants are advised that **extensive** travel (i.e., to another city or perhaps to another state) may be required.
5. Fees for online applications will be calculated automatically and must be paid by MasterCard or VISA.
6. Absolutely no applications will be accepted after the late application receipt deadline.
7. **There is no provision for makeup testing.** Applicants who are unable to take the examination for which they have applied must reapply to take a later examination.

General Application Guidelines

1. Since the possibility exists that application materials may be lost in the mail, it is advisable to mail application packets well in advance of the deadline. This will allow time to check on the status of your application prior to the deadline and to resolve any problems, if necessary. NCBE cannot be responsible for materials lost in the mail.
2. Hand-carried application materials must arrive **at the MPRE Application Department** in Iowa City by the published deadline or they **will not** be accepted. This includes materials delivered by private (non-U.S. Postal Service) courier.

Materials sent by courier (overnight carrier, etc.) should be sent to:

MPRE Application Department
ACT Tyler Building
2255 North Dubuque Road
Iowa City, IA 52243
Phone: 319/341-2500

3. You may wish to receive acknowledgment of receipt of your application materials by NCBE. For paper registration, send a self-addressed, **stamped** postcard with your application materials. The card will be returned to you when your materials are processed. Online applicants who successfully submit an application receive a confirmation screen to print. Those applicants who enter a valid E-mail address will also receive an electronic confirmation. All application materials (**except those received more than six weeks in advance of the deadline**) will be acknowledged within three weeks after they are received by the MPRE Application Department. To ensure receipt of late application materials by the late-receipt deadline, you may wish to send materials by a traceable courier service.
4. If you encounter problems during the application process (e.g., with application request, lost Admission Ticket, incorrect test center, difficulty with the online registration system), it is your responsibility to contact the MPRE Application Department at the address or telephone number shown below.

National Conference of Bar Examiners
MPRE Application Department
2255 North Dubuque Road
P.O. Box 4001
Iowa City, IA 52243-4001
Phone: 319/341-2500
5. If you will require **testing accommodations** because of a disability, see instructions on pages 21–25.

Examination Fee

For applications that are mailed, all fees **must** be paid in the form of a **personal or business check, cashier's check, money order, or certified check**, payable in U.S. dollars and drawn on a bank in the United States. Checks should be made payable to the National Conference of Bar Examiners. **Cash will not be accepted.** Online registrations must be paid with a credit card (MasterCard or VISA). Application materials that include insufficient or improper payment will not be processed.

For applications received on or before the regular receipt deadline, the fee for the MPRE is \$50.00. For those who apply **after** the regular receipt deadline but before the late application receipt deadline, the fee is \$100.00. Fees for online registration will be calculated automatically, based on the date of submission. This fee entitles you to receive a copy of your scores and to have a copy sent to the board of bar examiners of the jurisdiction you indicate on your answer sheet on test day. A copy of your scores will also be kept on file in Iowa City, Iowa. A \$25.00 fee will be assessed for checks or credit card payments returned because of insufficient funds or stop-payments. Scores for the current administration or any future MPRE examination will not be released until all fees are paid in full.

Partial Refund of Examination Fee

If you cannot or choose not to test after submitting application materials, you may request a \$10.00 refund by writing to:

National Conference of Bar Examiners
MPRE Application Department
2255 North Dubuque Road
P.O. Box 4001
Iowa City, IA 52243-4001

Enclose your test center Admission Ticket with your request.

Written requests for refunds must be received within 30 days after the original test date and must include the test center Admission Ticket, or the request will not be honored. The maximum refund is \$10.00 for all applicants, including late applicants, even if a request is made before the test date for which an applicant initially applied. Refunds are not issued until after the test date.

Fees received from applicants who do not take the examination for which they registered, and who do not request a refund within the specified period will not be refunded, nor will applicants be entitled to test at a later date without submitting new application materials and the full testing fee. Applicants may not request rescheduling for a new test date without submitting new application materials and the full fee.

Reapplying to Take the Examination

If, for some reason, you are unable to take the examination on the test date for which you are scheduled, or if you do not attain a passing score on the MPRE, you must reapply for another scheduled examination. To do so, you must complete a new Application Form and submit it along with the full fee.

The Application Process

The materials in the application packet will be used in applying for and taking the Multistate Professional Responsibility Examination. This packet includes:

1. **Application Form**—scanned (read) by machine and used to assign applicants to test centers on their requested test dates.
2. **The 2002 MPRE Information Booklet** (this booklet)—includes information essential to applying for and taking the MPRE.
3. **Preadressed Envelope**—used to return completed application materials.

A completed application packet will include a completed Application Form or successful submission of

completed application materials (receipts, etc.) to the appropriate authority.

Application Instructions

To apply for the NCBE Multistate Professional Responsibility Examination, you must complete an application and submit it with the required fee.

Online Registration

Applicants may register at www.ncbex.org or www.act.org/mpre. The information to be entered on the online registration system is the same as the paper application (see below) with the following additions:

- credit card information
- an E-mail address (optional)

Applicants must use MasterCard or VISA for payment. Fees are calculated based on date of submission of application. Applications will not be accepted after published deadlines.

Application Form

Your Application Form will be processed by an optical scanner which will read and record the information you indicate by blackening ovals in the grid areas. Please follow closely these instructions for completing the Application Form. **Use a soft-lead pencil. Do not use a ballpoint pen.** In each block, where required, clearly print the needed information in the boxes above the grid area. Then, in the column below each box containing a letter or number, blacken completely the oval containing the same letter or number. Below each empty box, blacken the blank oval. Make your marks heavy and black. Avoid stray marks or smudges. Erase incorrect marks completely. Study the sample completed Application Form (Figures 1 and 2) and follow carefully the specific instructions for completing each block.

Side 1 (see Figure 1)

BLOCK A—NAME AND MAILING ADDRESS—Print the information requested. Be sure to fill in this block completely.

BLOCK B—NAME (Last Name, First Name, Middle Initial)—Print your name in the boxes above the grid area. Then, in the column below each box, blacken either the oval containing the same letter as the box or the blank oval below each empty box. **You must blacken either the oval containing the same letter as the box or the blank oval in every column.**

ABBREVIATIONS

Avenue AVE	Freeway FWY	Santa, Santo SN
Boulevard BLVD	Heights HTS	School SCH
Canyon CYN	Highway HWY	South S
Center CTR	Hospital HOSP	Southeast SE
Circle CIR	Institute INST	Southwest SW
City CY	Mile MLE	Springs SPGS
Court CT	Mountain MTN	Square SQ
Crescent CRES	North N	State, Street ST
Drive DR	Northeast NE	Terrace TER
East E	Northwest NW	Turnpike TPKE
Estates EST	Parkway PKY	University UNIV
Expressway EXPY	Place PL	West W

NCBE Multistate Professional Responsibility Examination—Application Form

A NAME AND MAILING ADDRESS
(Use a soft lead No. 2 pencil only.)

Last Name: Benson First Name: Norma MI: C

House Number and Street: 123 Spring Road Apt. 3A

City: Valley View State: IL ZIP Code: 60174

MARKING INSTRUCTIONS

- Use a soft lead No. 2 pencil. Do not use ink or ball-point pen.
- Fill in the appropriate ovals completely.

Correct Mark: Incorrect Mark:



B NAME

Last Name: B E N S O N First Name: N O R M A MI: C

[Bubble grid for name entry]

C MAILING ADDRESS
Leave a space between parts of your address.
(House No. & Street & Apt. No.; or PO Box & No.; or RR & No.)

1 2 3 S P R I N G R O A D A P T 3 A

[Bubble grid for address entry]

D CITY
(Do not enter your state in this block.)

V A L L E Y V I E W

[Bubble grid for city entry]

E STATE CODE

To complete this block, use the State Code List at the bottom of this page.

1 4

[Bubble grid for state code entry]

F ZIP CODE

6 0 1 7 4

[Bubble grid for zip code entry]

STATE CODE LIST (Use with block E above.)

Alabama 01	Illinois 14	Maine 27	Rhode Island 40	Guam 52
Alaska 02	Indiana 15	Massachusetts 28	S. Carolina 41	Northern Mariana 53
Arizona 03	Iowa 16	Michigan 29	South Dakota 42	Puerto Rico 54
Arkansas 04	Kansas 17	Minnesota 30	Tennessee 43	Virgin Islands 55
California 05	Kentucky 18	Mississippi 31	Texas 44	Pitau 57
Colorado 06	Louisiana 19	Montana 32	Utah 45	All Other 58
Connecticut 07	Maine 20	New York 33	Vermont 46	
Delaware 08	Maryland 21	N. Carolina 34	Virginia 47	
D.C. 09	Mass. 22	North Dakota 35	Washington 48	
Florida 10	Michigan 23	Ohio 36	West Virginia 49	
Georgia 11	Minnesota 24	Oklahoma 37	Wisconsin 50	
Hawaii 12	Mississippi 25	Oregon 38	Wyoming 51	
Idaho 13	Montana 26	Pennsylvania 39		

Figure 1

*A complete list of state codes appears on page 12.

BLOCK C—MAILING ADDRESS (House No.; Street, and Apt. No.; “PO Box” and No.; or “RR” and No.)—Beginning in the first box, print your mailing address, one letter or number per box. Leave one empty box between the parts of your address. Abbreviate if necessary. Then, in the column below each box, blacken either the oval containing the same letter or number as the box, or the blank oval below each empty box. Score reports will be mailed to the address gridded on your answer sheet.

For your convenience, a list of common abbreviations is printed on page 10. If you experience difficulty in filling out the Application Form because your address is too long, refer to this list. Long street names and words not in the list usually can be abbreviated by omitting the vowels (a, e, i, o, u) and using only one of the double consonants, e.g., VLG for VILLAGE.

BLOCK D—CITY—Beginning in the first box, print the name of the city where you now receive mail. Then, in the column below each box, blacken either the oval containing the same letter as the box or the blank oval below each empty box.

BLOCK E—STATE CODE—In the State Code Key list at the bottom of the form (see page 12), find the 2-digit code for the state where you now receive mail. Copy it in the two boxes. Then blacken the appropriate oval in the column below each box.

BLOCK F—ZIP CODE—In the boxes, record the 5-digit ZIP code for the address where you now receive mail. Then blacken the appropriate ovals. Failure to blacken the correct ovals for your ZIP code will delay delivery of your test center Admission Ticket.

Side 2 (See Figure 2)

BLOCK G—SOCIAL SECURITY NUMBER—Print your social security number in the boxes above the grid area. Then, in the column below each box, blacken the corresponding number.

BLOCKS H and I—TELEPHONE NUMBERS—Fill in your home and work telephone numbers carefully. Then, in the column below each box, blacken the oval containing the same number as in the box. This will enable the MPRE Application Department to reach you more quickly if there are questions concerning your application.

BLOCK J—DO YOU WRITE WITH RIGHT OR LEFT HAND?—This information is needed to arrange appropriate seating for you. Blacken the oval for your response.

BLOCK K—TEST DATE—Blacken the oval for the test date on which you wish to take the examination; i.e., March, August, or November.

BLOCKS L and M—TEST CENTER NAMES, CITIES, AND CODES—Established test centers are listed in this booklet on pages 15–19. Locate the name of the test center where you wish to take the examination and copy the name and city into Block L.

Copy that test center's corresponding 4-digit code number into the boxes in Block L. Copy the number exactly as it is listed. If the code for your test center begins with zero, enter the zero in the first column. Blacken the appropriate oval in the column below each box. If you have a second choice for a preferred test center, enter the city, state, and 4-digit test center code into the appropriate spaces in Block M. Blocks L and M are the only places you will indicate your test center codes. Be sure you have entered them correctly.

Mailing Your Application Materials

Fold your Application Form carefully the way it was folded when you received it. Mail the completed form together with the appropriate fee in the preaddressed envelope provided. All application materials submitted incomplete or with an insufficient or improper payment will be returned unprocessed.* (See page 6 for fee information.)

Applications will **not** be accepted after the late receipt deadline.

* You may wish to confirm receipt of your application by sending a stamped, self-addressed postcard with your application (or by calling the MPRE Application Department).

Test Center Admission Ticket/Identification

You will receive your test center Admission Ticket within three weeks after your application packet is received by the MPRE Application Department or submitted online (**unless your application materials are received more than six weeks in advance of the application deadline**). If you do not receive your Admission Ticket within this period of time, contact the MPRE Application Department at **319/341-2500**.

When you receive your Admission Ticket, complete the identification section on the bottom portion according to the instructions provided on it. You must sign the ticket and attach a recent, passport-type photograph. Photocopies of photographs will not be accepted.

You must present your completed Admission Ticket with an additional current form of photo identification bearing your signature on the day of the examination in order to be admitted to the test center.

The first test center assignment occurs approximately six weeks before each test date. If you have not received your Admission Ticket within that time or within three weeks of application, it is your responsibility to call:

MPRE Application Department
319/341-2500

Notice to applicants who wish to have their scores reported to Florida: If you are a Florida Bar applicant, copy the applicant file number you have been assigned by Florida on the bottom of your MPRE Admission Ticket. On test day you will be asked to copy that number onto your answer sheet. Such numbers are not needed in other jurisdictions.

Test Center Codes for 2002

National Conference of Bar Examiners Multistate Professional Responsibility Examination

MAR	AUG	NOV	CODE	
ALABAMA				
X			0047	Birmingham, Jefferson State Community College
X			0056	Birmingham, Univ of Alabama at Birmingham
X	X	X	0003	Montgomery, Faulkner University
X	X		0052	Tuscaloosa, Univ of Alabama
ALASKA				
X	X	X	6998	Anchorage, First United Methodist Church
X	X	X	6995	Fairbanks, University of Alaska Fairbanks
X	X	X	6993	Juneau, Alaska Bar-Department of Law
X	X	X	6992	Ketchikan, Alaska Bar Association
ARIZONA				
X	X	X	0092	Phoenix, Grand Canyon University
X		X	0094	Phoenix, Phoenix College
X			0088	Tempe, Arizona State University
X	X	X	0096	Tucson, University of Arizona
ARKANSAS				
X	X	X	0144	Fayetteville, University of Arkansas
X	X		0136	Little Rock, Philander Smith College
X	X	X	0132	Little Rock, Univ of Arkansas at Little Rock
CALIFORNIA				
	X	X	0190	Clovis, San Joaquin College of Law
X	X	X	9711	Hayward, Hayward Centennial Hall
	X	X	9623	Lakewood, Centre at Sycamore Plaza
X			4500	Long Beach, Long Beach City College
X	X	X	9724	Los Angeles, California Mart
X	X	X	0320	Los Angeles, California State Univ-Los Angeles
X			5000	Los Angeles, L A Urban League Training Center
X	X	X	9988	Los Angeles, Los Angeles Convention Center
X	X	X	0470	Los Angeles, University of Southern California
X	X	X	0400	Northridge, California St Univ-Northridge
X		X	0444	Oakland, Health Education Center
X	X	X	0158	Sacramento, American River College
X	X	X	0443	San Diego, Alliant International University
	X	X	9517	San Diego, Hanalei Hotel
	X	X	9581	San Diego, Holiday Inn-On The Bay
X			0398	San Diego, San Diego State University
	X	X	0491	San Francisco, Nob Hill Masonic Center
COLORADO				
	X		0532	Boulder, University of Colorado at Boulder
X	X	X	0534	Denver, Univ of Denver College of Law
X	X	X	0497	Littleton, Arapahoe Community College
	X	X	0507	Westminster, Front Range Community College
CONNECTICUT				
		X	0563	Bridgeport, Housatonic Community Tech Coll
X	X	X	0602	Hamden, Quinnipiac College School of Law
X	X	X	9976	Hartford, Rensselaer at Hartford
X	X		0576	West Haven, Univ of New Haven
DELAWARE				
X	X	X	9916	Wilmington, Widener Univ School of Law
DISTRICT OF COLUMBIA				
X	X	X	0648	Washington, American Univ-Wash Coll of Law
X			0654	Washington, Catholic University
X			9918	Washington, Georgetown Univ Conf Center
X	X	X	0674	Washington, Howard University
	X		9599	Washington, Washington Convention Center

MAR	AUG	NOV	CODE	
				FLORIDA
	X		9589	Clearwater, Harborview Center
X	X	X	0760	Coral Gables, Univ of Miami-Coral Gables
	X		9560	Dania Beach, Hilton Fort Lauderdale Airport
X	X	X	9535	Fort Lauderdale, Broward County Convention Center
X	X	X	0758	Gainesville, University of Florida
X	X		0740	Jacksonville, Jacksonville University
X	X	X	4948	Saint Petersburg, Stetson Univ College of Law
X	X	X	0734	Tallahassee, Florida State University
				GEORGIA
		X	9536	Athens, Holiday Inn-Athens
X		X	0872	Athens, University of Georgia
X			0810	Atlanta, Emory University
	X	X	0826	Atlanta, Georgia State University
X	X	X	9526	Atlanta, Georgia World Congress Center
X	X	X	0838	Macon, Mercer University
		X	0828	Milledgeville, Georgia College
				HAWAII
	X	X	0902	Honolulu, Hawaii Imin International Center
X			9030	Honolulu, University of Hawaii at Manoa
				IDAHO
	X		0917	Boise, Boise State University
X		X	0927	Coeur D'Alene, Coeur D'Alene Inn Conference Ctr
X		X	0928	Moscow, University of Idaho
				ILLINOIS
X		X	1144	Carbondale, Southern Illinois Univ Carbondale
X	X	X	1154	Champaign, Univ of Illinois-Urbana Champaign
X	X	X	0934	Chicago, City Colleges of Chicago
	X	X	1012	Chicago, DePaul University Conference Ctr
X			9553	Chicago, Holiday Inn City Centre
X			1040	Chicago, Illinois Institute of Technology
X		X	1152	Chicago, Univ of Chicago
	X	X	1102	De Kalb, Northern Illinois University
X	X	X	1159	Sugar Grove, Waubonsee Community College
				INDIANA
X	X	X	1210	Bloomington, Indiana University at Bloomington
X	X	X	1214	Indianapolis, Indiana Purdue Univ Indianapolis
X	X	X	1252	Notre Dame, Notre Dame Law School
		X	1253	Valparaiso, Ivy Tech State College
X	X	X	1256	Valparaiso, Valparaiso University
				IOWA
X	X	X	1320	Ames, Iowa State University
X	X	X	1272	Ankeny, Des Moines Area Community College-Ankeny
X	X	X	1294	Cedar Rapids, Coe College
X	X	X	1356	Iowa City, University of Iowa
				KANSAS
X	X	X	1470	Lawrence, University of Kansas
X	X	X	1474	Topeka, Washburn University of Topeka
X	X	X	1454	Wichita, Presidents College School Of Law
				KENTUCKY
X	X	X	1566	Highland Heights, Northern Kentucky University
X	X	X	9978	Lexington, Continental Inn of Lexington
X	X	X	1556	Louisville, University of Louisville
				LOUISIANA
X	X		1590	Baton Rouge, Louisiana State University
X	X		1577	New Orleans, Delgado Community College
X	X	X	1592	New Orleans, Loyola University
X	X	X	1591	New Orleans, Univ of New Orleans
				MAINE
X	X		1644	Portland, University of Southern Maine
				MARYLAND
X	X	X	1746	College Park, University of Maryland
	X	X	9533	Gaithersburg, Gaithersburg Hilton
X			1723	Rockville, Montgomery College
X		X	9572	Rockville, Univ of Maryland System

MAR	AUG	NOV	CODE	
				MASSACHUSETTS
X	X		9576	Boston, Executive Conf Ctr at Bayside
X	X	X	9971	Boston, Tremont House Hotel
X	X		1840	Cambridge, Harvard University Law School
X	X	X	1910	Salem, Salem State College
X	X	X	1930	Springfield, Western New England College
				MICHIGAN
X	X	X	1977	Ann Arbor, Concordia College
X	X	X	2067	Ann Arbor, Washtenaw Community College
X	X	X	9715	Detroit, Univ Detroit Mercy-Outer Drive
X	X	X	2060	Detroit, University of Detroit-Mercy
X	X	X	2032	East Lansing, Michigan State University
X		X	9717	Lansing, Thomas M Cooley Law School
				MINNESOTA
X	X	X	2156	Minneapolis, Univ of Minnesota
X		X	2103	Saint Paul, Ramada Inn and Conference Center
	X		2102	Saint Paul, Univ of Saint Thomas
X	X	X	2174	Saint Paul, William Mitchell College of Law
				MISSISSIPPI
X	X	X	2240	Holly Springs, Rust College
X			2245	Jackson, Belhaven College
	X	X	2178	Jackson, Robert E Lee Office Building
				MISSOURI
X	X	X	2382	Columbia, University of Missouri
X	X	X	2380	Kansas City, Univ of Missouri at Kansas City
X	X	X	2352	Saint Louis, Saint Louis University
X	X	X	2383	Saint Louis, Univ of Missouri-Saint Louis
X	X	X	2386	Saint Louis, Washington University
				MONTANA
X	X	X	2422	Missoula, University of Montana
				NEBRASKA
X	X	X	4787	Lincoln, Southeast Community College
	X		2444	Omaha, Creighton University
		X	9558	Omaha, Omaha Marriott
X			2464	Omaha, University of Nebraska at Omaha
				NEVADA
	X	X	9557	Las Vegas, Las Vegas Conf Suites and Service
X			2496	Las Vegas, University of Nevada at Las Vegas
				NEW JERSEY
X	X	X	2598	Camden, Rutgers-Camden Law School
X	X	X	9545	Newark, Holiday Inn North Newark Airport
	X		2568	Trenton, Mercer County Community College
				NEW MEXICO
X	X	X	2650	Albuquerque, University of New Mexico
				NEW YORK
X	X	X	2926	Albany, State Univ of New York at Albany
X			2812	Brooklyn, Medgar Evers College
		X	9525	Brooklyn, N Y Marriott Brooklyn Hotel
X	X	X	2690	Buffalo, Canisius College
X	X	X	9546	Carle Place, Holiday Inn At Westbury
	X	X	2961	Huntington, Touro Law School
X			9565	Ithaca, Clarion University Hotel
X		X	2888	Jamaica, Saint John's University
X	X		2839	New York, Armenian Church of America
X	X	X	9472	New York, New York Law School
	X		9508	New York, New York Marriott Marquis Hotel
X	X	X	2838	New York, New York University
X	X	X	2861	Syracuse, Bryant Stratton Business Inst
X	X	X	2847	Syracuse, Onondaga Community College
X	X	X	8021	Syracuse, Sheraton Univ Hotel & Conference
X	X	X	9721	Uniondale, Long Island Marriott
X	X	X	2740	Williamsville, Erie Community College

MAR	AUG	NOV	CODE	
				NORTH CAROLINA
X			3081	Charlotte, Central Piedmont Community College
X		X	3132	Durham, North Carolina Central University
X	X	X	9980	Raleigh, Clarion Hotel State Capital
X	X	X	3126	Raleigh, McKimmon Center
X	X	X	3168	Winston-Salem, Wake Forest University
				NORTH DAKOTA
X	X	X	3218	Grand Forks, University of North Dakota
				OHIO
X	X	X	3310	Ada, Ohio Northern University
		X	3338	Akron, Univ of Akron
X	X	X	5571	Cincinnati, Workforce Development Center
X	X	X	3244	Cleveland, Case Western Reserve University
X	X		3270	Cleveland, Cleveland-Marshall College of Law
X			3261	Columbus, Columbus State Community College
	X	X	3275	Columbus, Franklin University
X	X	X	3312	Columbus, Ohio State University
	X	X	3295	Dayton, Wright State University
X	X	X	3344	Toledo, University of Toledo
				OKLAHOMA
X	X	X	3390	Edmond, Univ of Central Oklahoma
X	X		3426	Oklahoma City, Oklahoma Christian University
X	X	X	3423	Oklahoma City, Oklahoma St Univ-Oklahoma City
X	X	X	3444	Tulsa, Univ of Tulsa
				OREGON
X	X	X	3498	Eugene, University of Oregon
X	X		3500	Portland, University of Portland
X	X	X	3493	Salem, Chemeketa Community College
X	X	X	3504	Salem, Willamette University
				PENNSYLVANIA
X	X	X	3589	Harrisburg, Harrisburg Area Community College
X	X	X	9985	Middletown, Penn State Capital College
	X		9706	Philadelphia, Sheraton University City Hotel
	X		3724	Philadelphia, Temple University
X			3726	Philadelphia, Thomas Jefferson University
X	X	X	3560	Pittsburgh, Duquesne University
X	X	X	3734	Pittsburgh, Univ of Pittsburgh
				RHODE ISLAND
X	X	X	3814	Bristol, Roger Williams Univ Sch Of Law
				SOUTH CAROLINA
X	X	X	3880	Columbia, University of South Carolina
				SOUTH DAKOTA
	X		9293	Pierre, Kings Inn
X		X	3928	Vermillion, Univ of South Dakota
				TENNESSEE
X	X	X	4008	Memphis, Rhodes College
X		X	3992	Memphis, University of Memphis
		X	9502	Nashville, Opryland Hotel
X	X		4036	Nashville, Vanderbilt University

MAR	AUG	NOV	CODE	
TEXAS				
X	X		4104	Austin, Huston-Tillotson College
X	X	X	4240	Austin, Thompson Conference Center
X	X	X	4768	Dallas, Bill J Priest Inst for Econ Dev
X	X	X	4089	Dallas, Mountain View College
X	X		4053	Farmers Branch, Brookhaven College
X	X	X	4264	Houston, South Texas College of Law
X	X	X	4216	Houston, Texas Southern University
X	X	X	4236	Houston, Univ of Houston Main Campus
X	X	X	4220	Lubbock, Texas Tech University
X	X	X	4158	San Antonio, Saint Mary's University
X	X	X	4062	Waco, Baylor University
UTAH				
X		X	4266	Provo, Brigham Young University
X	X	X	4274	Salt Lake City, University of Utah
VERMONT				
X	X	X	4324	South Royalton, Vermont Law School
VIRGINIA				
	X	X	9578	Arlington, Crystal City Marriott
X			4412	Charlottesville, University of Virginia
X	X	X	4346	Petersburg, Richard Bland College-W & M
X	X	X	4380	Richmond, Virginia Commonwealth University
X	X	X	9990	Virginia Beach, Regent University
WASHINGTON				
X			9986	Seattle, Mountaineers Building
	X	X	4484	Seattle, University of Washington
WEST VIRGINIA				
X	X		4528	Charleston, Univ of Charleston
X	X	X	4540	Morgantown, West Virginia University
WISCONSIN				
X			4557	Madison, Herzing College
X			4558	Madison, University Of Wisconsin Law School
WYOMING				
X	X	X	5006	Laramie, University of Wyoming
GUAM*				
X	X	X	5052	Hagatna, Guam Judicial Center
NORTHERN MARIANA ISLANDS*				
X	X	X	5051	Saipan, Commonwealth Supreme Court
PALAU*				
X	X	X	5077	Koror, Supreme Court Republic Of Palau
VIRGIN ISLANDS				
X	X	X	5078	Saint Thomas, Territorial Court Virgin Islands

*Testing in these locations will take place on the Monday following the test date in March and Saturday following the August and November published test dates.

Test Center Information

The Multistate Professional Responsibility Examination will be given on Saturday, March 9 (or Monday, March 11, for exceptions due to religious practices—see page 4), Friday, August 9, and Friday, November 8, 2002, at the established centers listed on pages 15–19. Test centers may be added or deleted from the list during the year. The most current test center list can be found at www.act.org/mpre or www.ncbex.org.

Testing of Applicants with Disabilities

The National Conference of Bar Examiners (NCBE) provides reasonable testing accommodations for MPRE examinees who have a disability as defined in the Americans with Disabilities Act and who provide appropriate documentation in a timely manner.

Applicants with diagnosed physical, mental, sensory, or learning disabilities may request accommodations such as a reader, someone to record answers, a separate testing room, and/or extra testing time, as well as presentation of the material in Braille, large-print, or audio cassette formats. All requests are reviewed and, when warranted, reasonable accommodations will be provided in light of the applicant's specific disability. Applications with requests for accommodations are evaluated by trained staff specialists and, when appropriate, may also be submitted to independent external review by specialists in the area of the disability. In determining whether an individual has a disability for which accommodations may be appropriate, the applicable standard under the ADA is whether the individual has an impairment that substantially limits him or her in a major life activity.

If you are requesting accommodations due to a disability, **DO NOT USE ONLINE REGISTRATION. Requests for testing accommodations must be mailed with the MPRE Application Form and all of the supporting documentation noted below.**

1. You must provide your own written request for accommodations, preferably in the form of a letter. Include a detailed description of your disability and indicate specifically the accommodations you believe are necessary for you to take the MPRE. Include a telephone number where you can be reached during the day. You are encouraged to also provide a fax number and/or e-mail address.

If additional testing time is requested, your letter must specify a precise amount of additional time (e.g., time-and-a-half). A request for an untimed examination, or simply for extra time, is not sufficient.

2. Include current (within the last five years) documentation by your clinician, physician, or other qualified specialist with training and experience appropriate to diagnose and treat your disability.

This documentation must set forth in detail the diagnosis, treatment provided, and the last date of treatment and/or consultation with the qualified professional. It must also provide an explanation of the need for the requested accommodation(s) and how the functional limitation of the disability relates to this test-taking activity. A description of the accommodations deemed appropriate should also be included. Your professional must also include a brief statement of his/her qualifications and areas of specialty.

If additional testing time is requested, the documentation prepared by the diagnostician must state the precise amount of additional time that is deemed necessary, as well as the rationale for the additional testing time requested.

3. Enclose documentation regarding accommodations that have been made in the past, including elementary or secondary school, during college, on the LSAT, in law school, and on any bar examinations. If you lack documentation of accommodations or special assistance you received in elementary or secondary school, describe the accommodations in your request. Note, however, that the fact that an accommodation has been granted on a previous occasion does not guarantee similar accommodations for the MPRE.
4. If an accommodation of extended time and/or a separate testing room is requested because of a disability affecting cognitive functioning (e.g., LD or ADHD), the documentation must include all of the following:
 - A description of the presenting problem(s) and their developmental history;
 - A neuropsychological or psychoeducational evaluation with reports of **aptitude** assessments using a complete comprehensive battery. The preferred instrument is the Wechsler Adult Intelligence Scale-III. Other acceptable instruments include, but are not limited to, the Kaufman Adolescent and Adult Intelligence Test, and the Stanford-Binet 4th Edition;
 - A complete and comprehensive **achievement** battery including current levels of academic functioning in relevant areas such as reading (decoding, rate, and comprehension) and written language

(e.g., Woodcock-Johnson Psychoeducational Battery—Revised or III: Tests of Achievement, the Scholastic Abilities Test for Adults). Screening tests such as the Wide Range Achievement Test and the Nelson-Denny Reading Test sometimes provide useful supplementary information but cannot, in themselves, determine reading ability;

- An assessment of **information processing** (e.g., short- and long-term memory, sequential memory, processing speed, executive functioning) using appropriate instruments (e.g., Wechsler Memory Scale III, relevant subtests from the Woodcock-Johnson Psychoeducational Battery—Revised or III: Tests of Cognitive Ability); and
- Other appropriate assessment measures to help support a differential diagnosis or to disentangle the cognitive disability from co-existing neurological and/or personality disorders.

Please note: All tests must be reliable, valid, and standardized for use with an adult population. All standard scores and percentiles (including subtests) must be provided. The diagnostician must provide a specific diagnosis with an interpretation of tests being provided and show evidence that alternative explanations (e.g., poor motivation or study skills, cultural or language differences) can be ruled out.

5. For diagnosis of Attention Deficit/Hyperactivity Disorder (ADHD), relevant batteries as described above must be provided to determine patterns supportive of attention problems. The diagnostician's report must include a review of your history regarding each of the DSM-IV diagnostic criteria for ADHD and specify which symptoms that cause impairment were present in childhood and which current symptoms have been present for at least the past six months. Although self-reporting of symptoms and events is helpful, it is critical that information from other sources (e.g., health care professionals, relatives, teachers, school records, or employers) be presented to evaluators and summarized in their report.
6. If extended time is requested because of a visual disability, a report of a complete ocular examination is *required*. It must include all test results, a description of functional limitation, a discussion of the extent to which the limitation has been or can

be addressed through corrective devices, and a specific recommendation and rationale for accommodations. If you are legally blind, documentation acknowledging this specifically (e.g., from a governmental agency or your eye doctor) can substitute for a complete ocular exam.

Apply as far as possible in advance of the deadline. During peak time it may take 3–4 weeks to process the application and receive a reply. If you apply sufficiently early, NCBE may be able to communicate with you regarding omissions in your documentation in time for you to send supplemental material by the deadline. No new information will be accepted after the late registration deadline.

Send all materials together. Do not ask your physician or other qualified professional or any other individual or agency providing documentation to send materials to NCBE separate from your application. Due to the number of applications received, it is not possible to guarantee that materials can be matched and that an applicant's materials will be complete.

It is your responsibility to notify NCBE of the need for accommodation **at the time you apply for the examination**. Requests for accommodations that are received after the deadline for late registration will not be considered. Requests that are incomplete or not supported by appropriate documentation by the late registration deadline will be denied. NCBE reserves the right to independently evaluate documentation submitted by examinees who request accommodations and to make the final judgment as to the sufficiency of the documentation.

You may contact NCBE to seek clarification on policies regarding accommodation or to inquire about the status of a pending request. During peak processing times (near application deadlines) it is generally preferable to communicate via fax to 319/337-1122 or e-mail to ***mpre_ada@act.org***. All accommodation decisions are based on the written record. Requests for reconsideration/appeal must be in writing and should include information not previously submitted.

NCBE is not responsible for administering or determining the criteria for state bar examinations, which are separate and discrete examinations from the MPRE. Policies for determining testing accommoda-

tions available to applicants with disabilities in admitting jurisdictions may vary from the policies used to provide accommodations for the MPRE. Any accommodations provided by NCBE are for administration of the MPRE only and are in no way binding on individual admitting jurisdictions. NCBE urges all applicants to a state bar examination who may require accommodations because of a disability to ascertain the procedure for requesting such accommodations for each state where they propose to sit for the bar examination.

Admission and Identification

In order to be admitted to the test center, you must present your test center Admission Ticket with your photograph attached, as well as a current form of identification bearing your photograph and signature.

The test center supervisor will inspect your Admission Ticket to verify that it is for the correct test center and date, and that you have properly completed the identification portion of the Admission Ticket (including affixing a current passport-type photograph). You will also be asked for your additional photo identification, such as a driver's license, passport, or school identification card, bearing your photograph and signature. Only applicants who have been positively identified will be admitted to the testing room.

Your test center Admission Ticket with your photograph attached will be collected during the testing session and will become part of your MPRE file.

NCBE reserves the right to notify any board of bar examiners to which your score is reported if you fail to present an Admission Ticket with a suitable photograph on it and additional photo identification.

Test Center Regulations

The following regulations will be observed at all test centers in order to ensure uniform testing conditions and procedures.

1. Each applicant must present a test center Admission Ticket in order to be admitted to the test center. The identification section on the bottom of the Admission Ticket must be completed and a recent, representative 2" x 2" photograph of good quality must be attached to it. If an Admission Ticket is misplaced, contact the MPRE Application Department in Iowa City, Iowa, **before the test date.**

2. Applicants must bring at least two soft-lead pencils (no. 1 or 2).
3. Your testing records are identified by your Social Security number. Please make sure you know your Social Security number when you report to the test center since this information is requested on the answer sheet.

If you do not blacken the ovals for your Social Security number on your answer sheet, you will be assigned an identification number for processing and record-keeping purposes. This number will appear on your score report in the space for Social Security number.

4. You will have the opportunity to designate on your answer sheet one board of bar examiners that you wish to receive your MPRE results.

If you do not blacken the ovals for a state board choice on your answer sheet on test day, and later wish to have your scores sent to a board of bar examiners, you must follow procedures for an Additional Score Report and pay an additional fee (see page 29). Applicants to the District of Columbia, please see page 29.

5. You may not use or take into the testing room beeping, alarm, or calculator watches; wrist-watches with picture-taking functions; pagers; cellular phones; books; notes; scratch paper; Palm Pilots; rulers; calculators, cameras; radios; tape recorders; backpacks; purses; briefcases; food or drink; colored pens; lapboards/deskboards; or aids of any kind. You may not wear hats, headphones, or earplugs during the test.
6. All test materials, including test books and answer sheets, must be returned to the test supervisor after testing. No test materials may be retained by examinees. Pages or covers of test books are not to be torn out of or separated from the test books in any way. Applicants are not permitted to duplicate or record, by copying, photographing, or any other means, any part of the MPRE.
7. Applicants will not be permitted to select their own seats. The test supervisor will assign each applicant a seat in the testing room.
8. No applicant will be admitted to the testing room after testing has begun.

9. You should dress comfortably and be prepared for varying room temperatures.
10. Access to the testing room will be restricted to test center personnel and examinees.
11. Once the seal of the test booklet has been broken, the applicant is considered to have tested (i.e., is ineligible for a \$10.00 refund) even if he or she is unable to continue due to illness.
12. If an applicant is unable to continue due to illness, the applicant must return the test booklet and answer sheet to the supervisor, who will mark the answer sheet VOID and indicate on the Testing Irregularity Report that the answer sheet should not be scored. No special testing arrangements can be made for an applicant in this situation. To apply for a subsequent examination, the applicant must complete all new application materials and pay the appropriate fee.
13. *The Multistate Professional Responsibility Examination is part of the bar examination requirement of participating jurisdictions and the same standards of conduct by the applicants apply as if the examination were being administered by a board of bar examiners. NCBE reserves the right to report questionable conduct in connection with the MPRE to the appropriate board of bar examiners.*
14. See Guidelines for Taking the Examination on page 61.

Test Center Review

At the end of the examination, you will be given the opportunity to react to testing conditions by completing a Test Center Review section. The responses of all applicants are grouped together and evaluated to monitor and improve testing conditions and procedures for future administrations. Responses to the Test Center Review are never linked to individual applicants and will in no way affect your test score. Written complaints about testing conditions or procedures should be sent directly to:

National Conference of Bar Examiners
MPRE Test Administration (58)
P.O. Box 168
Iowa City, IA 52243-0168

Score Reports

Your MPRE score report will be mailed to you and to the jurisdiction you requested approximately four weeks after the examination date. The report will include your total raw score and scaled score and will show the jurisdiction to which you requested (on your answer sheet) your scores should be sent.

Your raw score will be the number of test questions that you answered correctly in the examination. The lowest possible raw score is 0, and the highest raw score is 50.

Your scaled score is a standard score. The standard score scale ranges from 50 (low) to 150 (high). The mean (average) scaled score was established at 100, based upon the performance of the examinees who took the MPRE in March 1999.

The conversion of raw scores to scaled scores involves a statistical process that adjusts for variations in the difficulty of different forms of the examination so that any particular scaled score will represent the same level of knowledge from test to test. For instance, if a test were more difficult than previous tests, then the scaled scores on that test would be adjusted upward to account for this difference. If a test were easier than previous tests, then the scaled scores on the test would be adjusted downward to account for this difference. The purpose of these adjustments is to help ensure that no examinee is unfairly penalized (or rewarded) for taking a more (or less) difficult form of the test.

Your score report may include the passing score established by the jurisdiction to which you requested your scores be sent. If you did not request that your scores be sent to a jurisdiction, no indication will appear on your score report.

Keep your score report for your records. You may be asked to produce it during the bar application process (as in the District of Columbia).

Additional Score Report Requests

Additional score reports are available after the examination for a fee of \$15.00 per report. Written requests for score reports should be sent to:

National Conference of Bar Examiners
MPRE Records Department
P.O. Box 451
Iowa City, IA 52243-0451

Your request should include your name, address, Social Security number, date of birth, test date, signature, and each board of bar examiners you wish to have receive a copy of your scores. **Enclose \$15.00 for each board of bar examiners you request.** Checks should be made payable to the National Conference of Bar Examiners. Additional score reports sent to individuals rather than a board of bar examiners will be stamped “unofficial.” Check with the board to verify whether this is acceptable.

Applicants to the District of Columbia (DC) should not request transfer of their MPRE scores to DC. Instead, applicants must provide DC with a copy of their MPRE score report when filing their application to DC.

Requests for Rechecking of Answer Sheets

A request to have your answer sheet rechecked must be made in writing within three months of the original test date. The request should include your name, address, Social Security number, birth date, test date, and signature.

Description of the Examination

The purpose of the NCBE Multistate Professional Responsibility Examination (MPRE) is to measure the examinee's knowledge and understanding of established standards related to a lawyer's professional conduct; thus, the MPRE is not a test to determine an individual's personal ethical values. Lawyers serve in many capacities: for example, as judges, as advocates, counselors, and in other roles. The law governing the conduct of lawyers in these roles is applied in disciplinary and bar admission procedures, and by courts in dealing with issues of appearance, representation, privilege, disqualification, contempt or other censure, and in lawsuits seeking to establish liability for malpractice, and other civil or criminal wrongs committed by a lawyer while acting in a professional capacity.

The law governing the conduct of lawyers is based on the disciplinary rules of professional conduct currently articulated in the American Bar Association (ABA) Model Rules of Professional Conduct (1983 as amended) and the ABA Model Code of Judicial Conduct (1990 as amended), as well as on controlling constitutional decisions and generally accepted principles established in leading federal and state cases and in procedural and evidentiary rules.

The MPRE is developed by a six-member Drafting Committee comprised of recognized experts in the area of professional responsibility. Before a test item is selected for inclusion in the MPRE, it undergoes a multistage review process that occurs over the course of several years before the test is administered. Besides intensive reviews by the Drafting Committee and testing specialists, each test item is reviewed by other national and state experts. All test items must successfully pass all reviews before they are included in the MPRE. After an MPRE examination is administered, the statistical performance of each test item is reviewed and evaluated by content and testing experts before the items are included in the computation of examinees' scores. This final statistical review is conducted to ensure that each test item is accurate and psychometrically sound.

The MPRE consists of 50 multiple-choice test items. These test items are followed by 10 Test Center Review items that request the examinee's reactions to the testing conditions. The examination is two hours and five minutes in length.

Test items covering judicial ethics measure applications of the ABA Model Code of Judicial Conduct (CJC). Other items will deal with discipline of lawyers by state disciplinary authorities; in these items, the correct answer will be governed by the current ABA Model Rules of Professional Conduct (MRPC). The remaining items, outside the disciplinary context, are designed to measure an understanding of the generally accepted rules, principles, and common law regulating the legal profession in the United States; in these items, the correct answer will be governed by the view reflected in a majority of cases, statutes, or regulations on the subject. To the extent that questions of professional responsibility arise in the context of procedural or evidentiary issues, such as the availability of litigation sanctions or the scope of the attorney-client evidentiary privilege, the Federal Rules of Civil Procedure and the Federal Rules of Evidence will be assumed to apply, unless otherwise stated.

As a general rule, particular local statutes or rules of court will not be tested in the MPRE. However, a specific question may include the text of a local statute or rule that must be considered when answering that question. Amendments to the MRPC or the CJC will be reflected in the examination no earlier than one year after the approval of the amendments by the American Bar Association.

Each question contained in the MPRE provides a factual situation along with a specific question and four possible answer choices. Examinees should pick the best answer from the four possible answer choices. Each question may include, among others, one of the following key words or phrases:

1. Subject to discipline asks whether the conduct described in the question would subject the lawyer to discipline under the provisions of the ABA Model Rules of Professional Conduct. In the case of a judge, the test question also asks whether the judge would be subject to discipline under the ABA Model Code of Judicial Conduct.

2. May or proper asks whether the conduct referred to or described in the question is professionally appropriate in that it:
 - a. would not subject the lawyer or judge to discipline; and
 - b. is not inconsistent with the Preamble, Comments, or text of the ABA Model Rules of Professional Conduct or the ABA Code of Judicial Conduct; and
 - c. is not inconsistent with generally accepted principles of the law of lawyering.
3. Subject to litigation sanction asks whether the conduct described in the question would subject the lawyer or the lawyer's law firm to sanction by a tribunal such as contempt, fine, fee forfeiture, disqualification, or other sanction.
4. Subject to disqualification asks whether the conduct described in the question would subject the lawyer or the lawyer's law firm to disqualification as counsel in a civil or criminal matter.
5. Subject to civil liability asks whether the conduct described in the question would subject the lawyer or the lawyer's law firm to civil liability, such as claims arising from malpractice, misrepresentation, and breach of fiduciary duty.
6. Subject to criminal liability asks whether the conduct described in the question would subject the lawyer to criminal liability for participation in, or aiding and abetting criminal acts, such as prosecution for insurance and tax fraud, destruction of evidence, or obstruction of justice.

When a question refers to discipline by the "bar," "state bar," or "appropriate disciplinary authority," it refers to the 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.

MPRE Subject Matter Outline

The following subject matter outline indicates the examination'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.

- I. Regulation of the Legal Profession (8–12%)
 - A. Inherent Powers of Courts to Regulate Lawyers
 - B. Admission to the Profession
 - C. Regulation after Admission
 - D. Maintaining Professional Standards—Peer Responsibility
 - E. Unauthorized Practice
 - F. Fee Division with a Non-Lawyer
 - G. The Law Firm
 - H. Contractual Restrictions on Practice
- II. The Client-Lawyer Relationship (10–14%)
 - A. Acceptance or Rejection of Clients
 - B. Scope, Objective, and Means of the Representation
 - C. Within the Bounds of the Law
 - D. Withdrawal
 - E. Client-Lawyer Contracts
 - F. Fees
- III.

- V. Competence, Legal Malpractice, and Other Civil Liability (8–12%)
 - A. Civil Liability, Including Malpractice
 - B. Maintaining Competence
 - C. Acceptance of Employment
 - D. Exercise of Diligence and Care
 - E. Limiting Liability for Malpractice
- VI. Litigation and Other Forms of Advocacy (12–16%)
 - A. Exercise of Professional Judgment
 - B. Civility, Courtesy, and Decorum
 - C. Conduct in the Course of Litigation—Claims, Defenses, Testimony, and Evidence
 - D. Fraud or Perjury
 - E. Communications in Course of Representation
- VII. Different Roles of the Lawyer (4–8%)
 - A. Lawyer as Advisor
 - B. Lawyer as Intermediary
 - C. Lawyer as Evaluator
 - D. Lawyer as Negotiator
 - E. Lawyer as Mediator
 - F. Special Obligations of the Lawyer in Public Service
 - G. Appearances before Legislative Bodies
- VIII. Safekeeping Property and Funds of Clients and Others (4–8%)
 - A. Lawyer as Trustee of Client Funds
 - B. Lawyer as Custodian of Client Property
 - C. Disputed Claims
- IX. Communication about Legal Services (6–10%)
 - A. Public Communications about Services
 - B. Referrals
 - C. Group Legal Services
 - D. Direct Contact with Prospective Clients (Solicitation)
 - E. Fields of Practice—Limitations of Practice and Specialization
- X. Lawyers and the Legal System (2–6%)
 - A. Lawyer Activity in Improving the Legal System
 - B. Impropriety Incident to Public Service

- XI. Judicial Ethics (6–10%)
 - A. Uphold the Integrity and Independence of the Judiciary
 - B. Avoid Impropriety and the Appearance of Impropriety
 - C. Duties of Impartiality and Diligence
 - D. Activities to Improve the Legal System
 - E. Extra-Judicial Activities
 - F. Political Activity of Judges
 - G. Candidate for Judicial Office

Preparing for the MPRE

In addition to the Sample Examination Questions that appear in this booklet, a booklet containing additional sample questions may be obtained from the National Conference of Bar Examiners for \$17.50. An order form for the additional sample questions is on page 59.

Students who have taken and reviewed a two- or three-credit law school survey course in Professional Responsibility should be reasonably well prepared to take the MPRE. However, for those wishing to engage in additional preparation, there are numerous sources available for consultation, including the American Bar Association's Annotated Model Rules of Professional Conduct and the American Law Institute's Restatement of the Law Governing Lawyers, as well as treatises collecting and discussing the authorities.

The ABA Model Rules of Professional Conduct and the ABA Model Code of Judicial Conduct are available from the American Bar Association at 750 North Lake Shore Drive, Chicago, IL 60611 (312/988-5522 or 1-800/285-2221). The website at which these publications may be purchased is www.abanet.org/cpr/publications.html.

Sample Examination Questions

This section provides examples of test questions similar to those contained in the MPRE. Read and answer them to familiarize yourself with the kinds of questions contained in the examination. A sample answer sheet is provided on page 58.

A booklet containing additional sample questions may be purchased from the National Conference of Bar Examiners for \$17.50. An order form for the additional sample questions is on page 59.

Students who have taken and reviewed a two- or three-credit law school survey course in Professional Responsibility should be reasonably well prepared to take the MPRE. However, for those wishing to engage in additional preparation, there are numerous sources available for consultation, including the American Bar Association's Annotated Model Rules of Professional Conduct and the American Law Institute's Restatement of the Law Governing Lawyers, as well as treatises collecting and discussing the authorities.

Each question has four responses from which you are to select the best one. During the examination, when you have chosen the response you feel is best, find the row of ovals on your answer sheet with the same number as the question you are answering. Then find the oval in the row with the same letter as your answer. Blacken the oval completely. For example, if you choose response B for question 3, blacken oval B in the row of ovals next to the number 3 on your answer sheet. Choose only one answer for each question. Use a soft-lead pencil and make your marks heavy and black. Mark all your answers on the separate answer sheet.

The questions in the MPRE may include qualifications as part of the alternative responses. These qualifications may be essential to the correctness of the response or responses in which they appear and thus to the correct answer to the question. Consequently, you should read each question thoroughly before you select a response.

Your score on the MPRE will be based on the number of questions you answer correctly. Thus, it is to your advantage to answer every question. Do not spend too much time on any one question. Work steadily and as quickly as you can. If you cannot answer a question, leave it and go on to the next question. You may then return to all unanswered questions if you finish before time is called.

Question 1.

Although licensed to practice law in State, Attorney Alpha does not practice law but works as an investment broker. Alpha could have elected inactive status as a member of the bar, but chose not to do so. Recently, in connection with a sale of worthless securities, Alpha made materially false representations to Victim, an investment customer. Victim sued Alpha for civil fraud, and a jury returned a verdict in Victim's favor. Alpha did not appeal.

Is Alpha subject to discipline?

- A. Yes, because Alpha was pursuing a non-legal occupation while an active member of the bar.
- B. Yes, because Alpha's conduct was fraudulent.
- C. No, because Alpha was not convicted of a crime.
- D. No, unless the standard of proof in State is the same in lawyer disciplinary cases and civil cases.

Question 2.

Client was an experienced oil and gas developer. Client asked Attorney for representation in a suit to establish Client's ownership of certain oil and gas royalties. Client did not have available the necessary funds to pay Attorney's reasonable hourly rate for undertaking the case. Client proposed instead to pay Attorney an amount in cash equal to 20% of the value of the proceeds received from the first year royalties Client might recover as a result of the suit. Attorney accepted the proposal and took the case.

Is Attorney subject to discipline?

- A. Yes, because the agreement gave Attorney a proprietary interest in Client's cause of action.
- B. Yes, unless the fee Attorney receives does not exceed that which Attorney would have received by charging a reasonable hourly rate.
- C. No, because Client rather than Attorney proposed the fee arrangement.
- D. No, because Attorney may contract with Client for a reasonable contingent fee.

Question 3.

Attorney has been hired by Client to represent Client in a civil commitment proceeding initiated by the state. Client is now undergoing psychiatric evaluation to determine whether civil commitment should be ordered. Client told Attorney that Client intends to commit suicide as soon as the tests are completed, and Attorney believes that Client will carry out this threat. Suicide and attempted suicide are crimes in the state.

Is it proper for Attorney to disclose Client's intentions to the authorities?

- A. Yes, because the information concerns a future crime and is not protected by the attorney-client evidentiary privilege.
- B. Yes, because the information concerns a future crime that is likely to result in Client's imminent death.
- C. No, unless Attorney knows that Client has attempted suicide in the past.
- D. No, because disclosure would aid the state in its civil commitment case against Client.

Question 4.

Attorney is a long-time member of the state legislature and serves on the legislative budget committee that funds the local trial courts in the state. Attorney also maintains a part-time law practice as is permitted in the state. Able, an influential businessperson, who regularly makes significant contributions to Attorney's political campaigns, asked Attorney to help Able's uncle, Baker, who was involved in a bitter divorce. Attorney called the trial judge sitting on Baker's case, a personal friend of Attorney. In discussing some upcoming votes of the budget committee with the judge, Attorney mentioned that Baker was the type of solid citizen and influential person who could help garner support for the budget and thus ensure the economic health of the judicial system.

Is Attorney subject to discipline?

- A. Yes, if the trial judge ruled in Baker's favor.
- B. Yes, because Attorney used her public position to attempt to influence a tribunal in a pending matter.
- C. No, if Attorney called the trial judge in her capacity as a legislator and not as Baker's lawyer.
- D. No, because members of the state legislature are permitted by law to engage in part-time legal practice.

Question 5.

Attorney agreed to represent Able, a client, in bringing a lawsuit. Attorney and Able executed Attorney's preprinted retainer form that provides, in part:

"The client agrees to pay promptly Attorney's fees for services. In addition, the client and Attorney agree to release each other from any and all liability arising from the representation. The client agrees that Attorney need not return the client's file prior to receiving the client's executed release. Attorney agrees to return the client's file promptly upon receipt of all fees owed and of the client's executed release."

During their initial meeting, Attorney recommended that Able consult independent counsel before signing the retainer agreement, but Able chose not to do so. Attorney reasonably believes that his fee is fair and that the quality of his work will be competent.

Is Attorney's retainer agreement with Able proper?

- A. Yes, because Attorney furnished consideration by agreeing to release Able from liability and to return Able's files.
- B. Yes, because Attorney reasonably believes that his fee is fair and that the quality of his work will be competent.
- C. No, because Attorney is attempting to limit prospectively his liability for malpractice.
- D. No, because Attorney uses a preprinted form for all retainers.

Question 6.

Attorney represents Corp, a defendant in a product liability case. Engineer, a Corp employee nearing retirement, was likely to be a key witness in the case, as she had been in charge of all of Corp's product safety testing during the relevant period. Engineer had been very critical of Corp's safety testing procedures during that period and had repeatedly complained that the product at issue had not been adequately tested. Engineer's views were reduced to writing and were well known to many employees of Corp. Because of the early stage of the case, however, plaintiff's counsel was not yet aware of Engineer's existence or her views.

Aware of Engineer's views, Attorney approached Corp's officials and recommended that it offer Engineer a special package of severance benefits if she would retire immediately and move to the Bahamas. Attorney believed that if Engineer accepted this offer, she would be beyond the subpoena power of the court in which the suit against Corp was pending. Corp adopted Attorney's recommendation and made the offer. Engineer accepted it. Attorney did not disclose Engineer's identity to plaintiff's counsel.

Is Attorney subject to discipline?

- A. Yes, because Attorney caused Engineer to leave the jurisdiction of the court for the purpose of making her unavailable as a witness.
- B. Yes, because opposing counsel had not yet had a reasonable opportunity to learn of Engineer's views.
- C. No, because Engineer's views were reduced to writing and are well known to many other employees of Corp.
- D. No, unless there was a pending request for Engineer's testimony at the time the retirement offer was made to Engineer.

Question 7.

Attorney represented Client in a personal injury action against the driver of the car in which Client was injured while a passenger. The personal injury action was settled, and Attorney received a check in the amount of \$10,000 payable to Attorney. Attorney deposited the check in her Clients' Trust Account.

One day later, Attorney received a letter from Bank, which had heard of the settlement of the personal injury lawsuit. Bank informed Attorney that Client had failed to make his monthly mortgage payments for the last three months and demanded that Attorney immediately release \$900 of the proceeds of the settlement to Bank or Bank would institute mortgage foreclosure proceedings against Client. Attorney informed Client of Bank's letter. Client responded:

"I don't care what Bank does. The property is essentially worthless, so let Bank foreclose. If Bank wants to sue me, I'll be easy enough to find. I don't think they'll even bother. You just take your legal fees and turn the rest of the proceeds over to me."

Is Attorney subject to discipline if she follows Client's instructions?

- A. Yes, if Client does not dispute the \$900 debt to Bank.
- B. Yes, because Attorney knew that Client was planning to force Bank to sue him.
- C. No, unless Attorney had reason to believe that Client would not have sufficient funds to pay any subsequent judgment obtained by Bank.
- D. No, because Bank has no established right to the specific proceeds of Client's personal injury judgment.

Question 8.

Three lawyers, Alpha, Beta, and Delta, formed a partnership to practice law with offices in both State First and State Second. Alpha is admitted to practice only in State First. Beta is admitted to practice only in State Second, and Delta is admitted to practice in both States First and Second. The following letterhead is on stationery used by their offices in both states:

**Alpha, Beta, and Delta
Attorneys at Law**

**100 State Street
City, State First
(200) 555-5555**

**200 Bank Building
City, State Second
(202) 555-5555**

**Attorney Alpha
Admitted to practice only
in State First**

**Attorney Beta
Admitted to practice only
in State Second**

**Attorney Delta
Admitted to practice
in States First and Second**

Are the members of the partnership subject to discipline?

- A. No, because the letterhead states the jurisdictions in which each partner is admitted.
- B. Yes, because there is no jurisdiction in which both Alpha and Beta are admitted to practice.
- C. Yes, because the firm name used by each office contains the name of a lawyer not admitted to practice in that jurisdiction.
- D. Yes, unless Delta actively practices law in both States First and Second.

Question 9.

Attorney was engaged under a general retainer agreement to represent Corp, a corporation involved in the uranium industry. Under the agreement, Attorney handled all of Corp's legal work, which typically involved regulatory issues and litigation.

Corp told Attorney that a congressional committee was holding hearings concerning the extent of regulation in the copper industry. Because Corp was considering buying a copper mine during the next fiscal year, Corp wanted Attorney to testify that the industry was overregulated. Attorney subsequently testified before the relevant congressional committee. Attorney registered his appearance under his own name and did not disclose that he was appearing on behalf of a client. Afterward, Attorney billed Corp for fees and expenses related to his testimony.

Was Attorney's conduct proper?

- A. Yes, because the duty of confidentiality prevented Attorney from disclosing the identity of his client.
- B. Yes, because the attorney-client evidentiary privilege prevented disclosure of the identity of his client in this context.
- C. No, because Attorney failed to disclose that he was appearing and testifying in a representative capacity.
- D. No, because Attorney accepted compensation in return for his testimony.

Question 10.

Judge is one of three trustees of a trust for the educational benefit of her grandchildren. The trust owns 5,000 shares of stock in Big Oil Company. The stock has been selling for the past year at \$10.00 per share. Big Oil is suing Oil Refining Company for breach of an oil refining agreement, and the case is assigned to Judge for trial. Judge believes that she can be fair and impartial.

Should Judge disqualify herself from the case?

- A. Yes, because the trust has more than a de minimus financial interest in Big Oil Company.
- B. Yes, unless the outcome of the lawsuit is unlikely to affect the value of the stock.
- C. No, unless Judge personally owns stock in either party to the litigation.
- D. No, because Judge believes she can remain impartial.

Question 11.

For many years, Attorney has served as outside counsel to Corp, a corporation. Shortly after a change in management, Attorney discovered what she reasonably believed to be a material misstatement in a document she had drafted that Attorney was about to file on Corp's behalf with a government agency. Attorney advised Corp's Board of Directors that filing the document was probably criminal. However, the Board disagreed that there was any material misstatement and directed Attorney to proceed with the filing. When Attorney indicated her intention to resign, Corp argued that a resignation at this time would send a signal that there was a problem with the filing. Corp urged Attorney to continue the representation, but offered to use in-house counsel to complete the work on the filing. Although she does not know for certain that filing the document is illegal, Attorney reasonably believes that it is. In any event, Attorney is personally uncomfortable with the representation and wants to withdraw.

May Attorney withdraw from her representation of Corp?

- A. Yes, because withdrawal is permitted but not required when a client insists on conduct which the lawyer reasonably believes, but does not know, will be criminal.
- B. Yes, because withdrawal is required when a client insists on conduct which the lawyer reasonably believes, but does not know, will be criminal.
- C. No, if Corp is correct that withdrawal would breach confidentiality by sending a signal that the filing is problematic.
- D. No, if Attorney's withdrawal as outside counsel might affect Corp's ability to complete the filing in a timely fashion.

Question 12.

Attorney, who had represented Testator for many years, prepared Testator's will and acted as one of the two subscribing witnesses to its execution. The will gave 10% of Testator's estate to Testator's housekeeper, 10% to Testator's son and sole heir, Son, and the residue to charity. Upon Testator's death one year later, Executor, the executor named in the will, asked Attorney to represent him in probating the will and administering the estate. At that time Executor informed Attorney that Son had notified him that he would contest the probate of the will on the grounds that Testator lacked the required mental capacity at the time the will was executed. Attorney believes that Testator was fully competent at all times and will so testify, if called as a witness. The other subscribing witness to Testator's will predeceased Testator.

Is it proper for Attorney to represent Executor in the probate of the will?

- A. Yes, because Attorney is the sole surviving witness to the execution of the will.
- B. Yes, because Attorney's testimony will support the validity of the will.
- C. No, because Attorney will be called to testify on a contested issue of fact.
- D. No, because Attorney will be representing an interest adverse to Testator's heir at law.

Question 13.

Attorney Alpha is defending Bigco against a lawsuit brought in federal court by Plaintiff, a consumer injured by one of Bigco's products. Plaintiff is seeking both compensatory and punitive damages. During discovery, Plaintiff's lawyer served a set of interrogatories on Bigco, including requests for financial data of Bigco.

Pres, president of Bigco, directed Alpha to resist providing this information, although Alpha has informed him that, under the rules of discovery, Plaintiff is entitled to the information requested. Pres then demanded that Alpha assert that the information is confidential, privileged, work product, and a trade secret, but Alpha correctly informed him that it was well settled that such claims would be regarded as frivolous by the courts. Pres nonetheless directed Alpha to file objections on the bases stated, so that at least Plaintiff will have to incur the expense of compelling discovery. Alpha filed the objections as directed by Pres.

Which of the following statements would be true?

- I. Alpha is subject to discipline.
 - II. Alpha is subject to litigation sanction.
- A. I only
 - B. II only
 - C. Both I and II
 - D. Neither I nor II

Question 14.

Judge needed to obtain a loan to be secured by a second mortgage on his house. Bank offered him a loan at a very favorable interest rate. The vice-president at Bank told Judge:

“Frankly, we normally don’t give such a large loan when the security is a second mortgage, and your interest rate will be 2% less than we charge our other customers. But we know that your salary is inadequate, and we are giving you special consideration.”

Is it proper for Judge to accept the loan?

- A. Yes, if Judge does not act in any case involving Bank.
- B. Yes, if Bank is not likely to be involved in litigation in the court on which Judge sits.
- C. No, unless the same terms are available to all judges in the state.
- D. No, because the amount of the loan and interest rate were not available to persons who were not judges.

Question 15.

Law Firm has 300 lawyers in 10 states. It has placed the supervision of all routine administrative and financial matters in the hands of Admin, a non-lawyer. Admin is paid a regular monthly salary and a year-end bonus of 1% of Law Firm’s net income from fees. Organizationally, Admin reports to Attorney, who is the managing partner of Law Firm. Attorney deals with all issues related to Law Firm’s supervision of the practice of law.

Is it proper for Attorney to participate in Law Firm’s use of Admin’s services in this fashion?

- A. Yes, unless Admin has access to client files.
- B. Yes, if Admin does not control the professional judgment of the lawyers in the firm.
- C. No, because Law Firm is sharing legal fees with a nonlawyer.
- D. No, because Law Firm is assisting a non-lawyer in the unauthorized practice of law.

Question 16.

Attorney experienced several instances when clients failed to pay their fees in a timely manner, but it was too late in the representation to withdraw without prejudicing the clients. To avoid a recurrence of this situation, Attorney has drafted a stipulation of consent to withdraw if fees are not paid according to the fee agreement. She proposes to have all clients sign the stipulation at the outset of the representation.

Is it proper for Attorney to use the stipulation to withdraw from representation whenever a client fails to pay fees?

- A. Yes, because a lawyer may withdraw when the financial burden of continuing the representation would be substantially greater than the parties anticipated at the time of the fee agreement.
- B. Yes, because the clients consented to the withdrawal in the stipulation.
- C. No, because a client's failure to pay fees when due may be insufficient in itself to justify withdrawal.
- D. No, unless clients are provided an opportunity to seek independent legal advice before signing the stipulation.

Question 17.

Attorney was retained by Defendant to represent him in a paternity suit. Aunt, Defendant's aunt, believed the suit was unfounded and motivated by malice. Aunt sent Attorney a check for \$1,000 and asked Attorney to apply it to the payment of Defendant's fee. Aunt told Attorney not to tell Defendant of the payment because "Defendant is too proud to accept gifts, but I know he really needs the money."

Is it proper for Attorney to accept Aunt's check?

- A. Yes, if Aunt does not attempt to influence Attorney's conduct of the case.
- B. Yes, if Attorney's charges to Defendant are reduced accordingly.
- C. No, because Aunt is attempting to finance litigation to which she is not a party.
- D. No, unless Attorney first informs Defendant and obtains Defendant's consent to retain the payment.

Question 18.

Attorney has a highly efficient staff of paraprofessional legal assistants, all of whom are graduates of recognized legal assistant educational programs. Recently, the statute of limitations ran against a claim of a client of Attorney's when a legal assistant negligently misplaced Client's file and suit was not filed within the time permitted by law.

Which of the following correctly states Attorney's professional responsibility?

- A. Attorney is subject to civil liability and is also subject to discipline on the theory of respondent superior.
- B. Attorney is subject to civil liability or is subject to discipline at Client's election.
- C. Attorney is subject to civil liability but is NOT subject to discipline unless Attorney failed to supervise the legal assistant adequately.
- D. Attorney is NOT subject to civil liability and is NOT subject to discipline if Attorney personally was not negligent.

Question 19.

Attorney Alpha is a general practitioner with extensive experience in personal injury litigation, including legal and medical malpractice. Baker contacted Alpha by telephone and requested that Alpha represent Baker in a legal malpractice case that Baker wanted to file against Attorney Delta, the lawyer who handled Baker's divorce. Alpha refused even to meet with Baker, saying:

"Look, I just finished renewing my own malpractice insurance policy, and I can't believe how high the premiums have gotten. I'm not taking on any new clients with legal malpractice cases."

Baker tried to contact several other lawyers, each of whom indicated that he or she would be happy to accept the representation but was too busy to take on any new matters at this time. Six months later the statute of limitations expired without Baker filing his lawsuit.

If Baker can establish that a legal malpractice action against Delta would have succeeded, is Alpha subject to civil liability for refusing to accept the representation?

- A. Yes, because Alpha did not have good cause to refuse the representation.
- B. Yes, unless Alpha made reasonable efforts to find a competent lawyer to represent Baker.
- C. No, unless Alpha holds herself out as experienced in legal malpractice cases.
- D. No, because Alpha had no legal obligation to accept Baker's case.

Question 20.

Pros, a prosecutor, was assigned to try a criminal case against Deft, who was charged with robbery of a convenience store. Deft denied any involvement, contending he was home watching television with his mother on the night in question. At the trial, Wit, a customer at the convenience store, testified that he had identified Deft in a police line-up and provided other testimony connecting Deft to the crime. In addition, Pros entered into evidence a poor-quality videotape of the robbery as recorded by the store surveillance camera. The jury convicted Deft of the crime charged. Unknown to Deft's court-appointed lawyer, Wit had first identified another person in the police line-up and selected Deft only after encouragement by the detective. Pros was aware of these facts but did not notify Deft's counsel who made no pretrial discovery request to obtain this information.

Is Pros subject to discipline?

- A. Yes, unless the jury could make its own identification of Deft from the videotape.
- B. Yes, because this information tended to negate Deft's guilt.
- C. No, because Deft's counsel made no pretrial discovery request to obtain this information.
- D. No, unless it is likely that the jury would have acquitted Deft had it known that Wit first identified someone else.

Question 21.

Attorney and Client entered into a written retainer and hourly fee agreement that required Client to pay \$5,000 in advance of any services rendered by Attorney and that required Attorney to return any portion of the \$5,000 that was not earned. The agreement further provided that Attorney would render monthly statements and withdraw her fees as billed. The agreement was silent as to whether the \$5,000 advance was to be deposited in Attorney's Clients' Trust Account or in a general account. Attorney deposited the entire fund in her Clients' Trust Account, which also contained the funds of other persons that had been entrusted to Attorney. Thereafter, Attorney rendered monthly progress reports and statements for services to Client after services were rendered, showing the balance of Client's fee advance. However, Attorney did not withdraw any of the \$5,000 advance until one year later when the matter was concluded to Client's complete satisfaction. At that time, Attorney had billed Client reasonable legal fees of \$4,500. Attorney wrote two checks on her Clients' Trust Account: one to herself for \$4,500, which she deposited in her general office account, and one for \$500 to Client.

Was Attorney's conduct proper?

- A. Yes, because Attorney deposited the funds in her Clients' Trust Account.
- B. Yes, because Attorney rendered periodic and accurate billings.
- C. No, because Attorney's failure to withdraw her fees as billed resulted in an impermissible commingling of her funds and Client's funds.
- D. No, because Attorney required an advanced payment against her fee.

Question 22.

Attorney Alpha, a member of the bar, placed a printed flyer in the booth of each artist exhibiting works at a county fair. The face of the flyer contained the following information:

“I, Alpha, am an attorney, with offices in 800 Bank Building, telephone (555) 555-5555. I have a J.D. degree from State Law School and an M.A. degree in fine arts from State University. My practice includes representing artists in negotiating contracts between artists and dealers and protecting artists’ interests. You can find me in the van parked at the fair entrance.”

All factual information on the face of the flyer was correct. There was a retainer agreement on the back of the flyer. At the entrance to the fair, Alpha parked a van with a sign that read “Alpha—Attorney at Law.”

For which, if any, of the following is Alpha subject to discipline?

- I. Placing copies of the flyer in the booth of each artist
 - II. Including a retainer agreement on the back of the flyer
 - III. Parking the van with the sign on it at the fair entrance
- A. III only
 - B. I and II, but not III
 - C. I, II, and III
 - D. Neither I, nor II, nor III

Question 23.

Five years ago Attorney represented Seller in the sale of Seller's home. Attorney has not represented Seller since that time. Recently Attorney was approached by Partner, Seller's partner in a venture capital company formed two years ago. Partner and Seller have agreed to dissolve their partnership but cannot agree on the terms of the dissolution. Partner asked Attorney to sue Seller for an accounting of partnership assets.

If Attorney accepts the representation, is Attorney subject to disqualification?

- A. Yes, because the representation is directly adverse to Seller.
- B. Yes, unless at the time of the sale of Seller's home, Seller agreed that Attorney would not subsequently be precluded from representing other clients in suits against Seller.
- C. No, because the partnership dissolution is unrelated to the sale of Seller's home.
- D. No, unless Seller sold the home while in the partnership with Partner.

Question 24.

Judge, a judge in a criminal trial court of State, wishes to serve as guardian of her father, who has been declared incompetent. Accepting the responsibilities of the position would not interfere with the performance of Judge's official duties. Although the position in all likelihood would not involve contested litigation, it would be necessary for Judge to prepare and sign various pleadings, motions, and other papers and to appear in civil court on her father's behalf.

Would it be proper for Judge to undertake this guardianship?

- A. Yes, unless Judge receives compensation for her services as guardian.
- B. Yes, because the position involves a close family member and will not interfere with Judge's performance of her judicial duties.
- C. No, because the position will require Judge to appear in court.
- D. No, because the position will require Judge to prepare and sign pleadings, motions, and other papers.

Question 25.

Client hired Attorney Alpha to file a lawsuit against Client's former employer, Corp, for wrongful discharge. Alpha filed the suit in federal district court based upon three grounds. It turned out that a unanimous US Supreme Court decision had recently eliminated the third ground as a theory available to plaintiffs in wrongful discharge cases. Attorney Beta, who represents Corp, filed a motion alleging that the complaint was based upon a theory (the third ground) that is no longer supported by existing law and cited the new decision. Within ten days after the filing of the complaint, Alpha withdrew the third ground and continued with the litigation.

Is Alpha subject to litigation sanction?

- A. Yes, unless Alpha discussed the adverse legal authority with Client before filing the complaint.
- B. Yes, because Alpha should have cited the US Supreme Court decision in the complaint.
- C. No, because Alpha withdrew the third ground within ten days after filing the complaint.
- D. No, unless Alpha knew or should have known of the recent decision when the complaint was filed.

Answer Key

- | | | | | |
|------|-------|-------|-------|-------|
| 1. B | 6. A | 11. A | 16. C | 21. C |
| 2. D | 7. D | 12. C | 17. D | 22. D |
| 3. B | 8. A | 13. C | 18. C | 23. C |
| 4. B | 9. C | 14. D | 19. D | 24. B |
| 5. C | 10. A | 15. B | 20. B | 25. C |

MPRE Sample Answer Sheet

1 (A) (B) (C) (D)

2 (A) (B) (C) (D)

3 (A) (B) (C) (D)

4 (A) (B) (C) (D)

5 (A) (B) (C) (D)

6 (A) (B) (C) (D)

7 (A) (B) (C) (D)

8 (A) (B) (C) (D)

9 (A) (B) (C) (D)

10 (A) (B) (C) (D)

11 (A) (B) (C) (D)

12 (A) (B) (C) (D)

13 (A) (B) (C) (D)

14 (A) (B) (C) (D)

15 (A) (B) (C) (D)

16 (A) (B) (C) (D)

17 (A) (B) (C) (D)

18 (A) (B) (C) (D)

19 (A) (B) (C) (D)

20 (A) (B) (C) (D)

21 (A) (B) (C) (D)

22 (A) (B) (C) (D)

23 (A) (B) (C) (D)

24 (A) (B) (C) (D)

25 (A) (B) (C) (D)

MPRE Sample Questions Order Form

MPRE Sample Questions VI (\$17.50) contains 150 actual or simulated MPRE questions (including the 25 questions published in this booklet). To order, complete this form and send it, with a check or money order payable to the National Conference of Bar Examiners or with completed credit card information, to the address below. If you are paying by credit card, you may fax this form to 608/661-1276. **ALL SALES ARE FINAL.**

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Guidelines for Taking the Examination

Please read the following guidelines carefully. They are designed to help you do your best on the Multistate Professional Responsibility Examination.

1. Listen closely to all directions. Do not hesitate to ask questions if you do not understand what you are to do.
2. Be very precise in marking your answer sheet. Be sure that you blacken the appropriate ovals and that you completely erase any incorrect marks.
3. Your responses must be marked on the answer sheet if you are to receive credit for them.
4. Keep your answer sheet near your test booklet so you can mark answers quickly without moving either the booklet or the answer sheet.
5. Read each question carefully. Pay special attention to such key words or phrases as subject to discipline, may, proper, subject to litigation sanction, subject to disqualification, and subject to civil liability, among others. They are crucial in determining the correct answer.
6. Answer each question. There is no penalty for guessing, so use any clues you have in choosing an answer.
7. When you are unsure of the correct answer to a question, first eliminate every wrong answer you can. Each wrong answer eliminated improves your chances of selecting the correct answer.
8. Do not spend too much time on one question. If a question is too hard for you, choose a reasonable answer and go on to the next question. Work quickly, but carefully.

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