



MCLE Self-Study Test

KNOW YOUR NEW RULES

by **Natasha S. Chee** and **Jeffrey T. Thayer**

MCLE SELF-STUDY TEST

- 1 New Rule 1.3 defines “reasonable diligence” as:
 - a. Commitment and dedication to the client’s interests
 - b. Not acting with disregard, neglect or undue delay
 - c. Both A and B
 - d. Competence
- 2 New Rule 1.5 prohibits lawyers from agreeing to, charging or collecting:
 - a. Unconscionable fees
 - b. Illegal fees
 - c. Unconscionable or illegal fees
 - d. Unreasonable fees
- 3 Referral fees require full written disclosure to the client of:
 - a. The fact that a fee division will be made
 - b. The identity of the lawyers and/or law firms that are party to the division
 - c. The terms of the division
 - d. All of the above
- 4 The exception to client confidentiality will be disclosures of information necessary to prevent:
 - a. A criminal act the lawyer reasonably believes is likely to result in death or substantial bodily harm
 - b. A civil tort the lawyer reasonably believes is likely to result in death or substantial bodily harm
 - c. A criminal act the lawyer believes will result in death or substantial bodily harm beyond a reasonable doubt
 - d. A criminal act the lawyer reasonably believes is likely to result in death or any type of bodily harm
- 5 The new conflict of interest rules will include:
 - a. A “checklist” approach
 - b. A test that asks whether there is direct or indirect adversity to another current client in the same or separate matter
 - c. A test that asks whether there is a significant risk that the lawyer’s representation of the client will be materially limited by the lawyer’s responsibilities to, or relationship with, another client, a former client, a third person or the lawyer’s own interests
 - d. Both B and C
- 6 Sexual relations with clients will be:
 - a. Always okay if the client consents
 - b. Only okay if there was a consensual relationship already in place prior to the formation of the attorney-client relationship
 - c. Okay unless the act was coerced or considered a form of payment for services rendered, or where continued representation after sexual relations would result in incompetence
 - d. Okay if an opposing party signs a waiver
- 7 Advance fee deposits must be deposited into:
 - a. A checking account maintained in California
 - b. A client trust account maintained in California
 - c. A client trust account maintained in the United States
 - d. A client trust account maintained offshore

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CONTRA COSTA COUNTY BAR ASSOCIATION

2300 Clayton Road, Suite 520, Concord, CA 94520
www.cccba.org | (925) 686-6900

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MCLE SELF-STUDY TEST (CONTINUED)

- 8 Under the new rules, a lawyer owes a duty of confidentiality:
- As to any information received from prospective clients
 - With respect to representation of a client with material adverse interests to a prospective client in the same or substantially related matter if the lawyer received confidential information material to the matter from the prospective client, even if the lawyer was never hired
 - With respect to representation of a client with material adverse interests to a prospective client in the same or substantially related matter if the lawyer received confidential information material to the matter from the prospective client, only if the lawyer was hired
 - All of the above
- 9 New Rules 5.1 and 5.3 impose a duty to supervise:
- Subordinates
 - Interns
 - Clients
 - Partners
- 10 The new pro bono requirement can be satisfied by performing a majority of the subject services on behalf of:
- Persons of “restricted means”
 - Charitable organizations
 - Silicon Valley entrepreneurs
 - All of the above
- 11 New Rule 8.4.1 prohibits:
- Unlawful harassment, discrimination and aggression
 - Unlawful harassment, premeditation and retaliation
 - Unlawful harassment, retaliation and vindication
 - Unlawful harassment, discrimination and retaliation
- 12 New Rule 6.1 includes a proviso that a lawyer should additionally voluntarily contribute:
- Financial support to organizations that provide legal services to persons of limited means
 - Financial support to organizations that provide charitable services to persons of limited means
 - Financial support to organizations that provide legal services to disadvantaged populations
 - Physical assistance to organizations that provide legal services to persons of limited means
- 13 A “legal matter” under New Rule 1.7 can include:
- A contract
 - A controversy
 - An arrest
 - All of the above
- 14 New Rule 5.2 imposes duties on subordinate lawyers to comply with:
- The rules
 - The Code of Civil Procedure
 - Directions from supervising lawyers
 - The Bluebook
- 15 Consent in California for conflicts of interest must be:
- Written consent
 - Informed written consent
 - Informed oral or written consent
 - Informed consent, confirmed by writing

HOW TO RECEIVE ONE HOUR OF MCLE CREDIT

Answer the test questions, choosing the one best answer to each question. Mail this Self-Study and your payment* (\$30 per credit hour for CCCBA members/\$45 per credit hour for non-members) to CCCBA at the address below. (ID# 12196)

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