



MCLE Self-Study Test

YOU'RE THE ATTORNEY. YOU'RE RESPONSIBLE. RECOGNIZING POTENTIAL ISSUES RELATED TO PARALEGAL UTILIZATION IN CALIFORNIA

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MCLE SELF-STUDY TEST UPDATED 11-2020

- 1 The concept of having specially educated and trained non-lawyers, assisting attorneys with the delivery of legal services is a relatively new phenomenon dating to the 1980's.

True False
- 2 California, unlike most other states, restricts who may hold themselves out and work as a paralegal.

True False
- 3 In California it is unlawful to perform paralegal services for a client unless under the direction and supervision of an attorney, law firm, governmental agency or other like entities.

True False
- 4 California Rules of Professional Conduct, rule 5.3 makes clear that the attorney duties specified do not include the duty to supervise the work of subordinate attorney and non-attorney employees or agents.

True False
- 5 Courts have found attorneys culpable of failing to perform with competence for failing to appropriately control the activities of their non-lawyer employees.

True False
- 6 While an attorney may not be at risk of discipline for not knowing every item of information that his office receives, the State Bar Act and the Rules of Professional Conduct presume that an attorney has adequate office procedures and has trained his staff in those procedures, ensures that they follow those procedures, and that the attorney adequately supervises his staff.

True False
- 7 In California, a paralegal is not subject to the same duty as an attorney to maintain inviolate the confidentiality, and at every peril to himself or herself to preserve the attorney-client privilege.

True False
- 8 Based on the Committee on Professional Responsibility and Conduct's Formal Opinion 1979-50, attorneys failing to take steps to insure that nonlawyer employees understand their obligation to not disclose client confidences or secrets can result in professional liability, a requirement to disclose the breach, and to withdraw from employment.

True False
- 9 Business and Professions Code, section 6125 explicitly forbids anyone who is not an active member of the State Bar from practicing law.


True False
- 10 Business and Professions Code, section 6126, makes it a felony for anyone not authorized to practice law in California to advertise, or otherwise hold one's self out as being authorized to practice law, or actually practice law.

True False
- 11 According to Business and Professions Code, section 6450(b) paralegals may not select, explain, draft, or recommend the use of any legal document or for any person other than the attorney who directs and supervises the paralegal.

True False
- 12 Even where an attorney is the victim of duplicitous staff, the attorney may be held responsible for employee misconduct. Courts have repeatedly found attorneys culpable of misconduct because of their staff's activities.

True False
- 13 In the Matter of Malek-Yonan (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 627, it was held that responsibility for trust fund management and oversight can be delegated.

True False

Test continues on next page 



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- 14 In 2008, in *In the Matter of Conner*, the Review Department held an attorney culpable of moral turpitude based upon gross negligence because the attorney's slipshod procedures allowed entrusted funds to be misappropriated without his knowledge.
 True False

- 15 California Business and Professions Code, sections 6450-6456, defines who may use the title of "paralegal" and sets qualifications and continuing education requirements.
 True False

- 16 You can delegate authority to staff in your law practice to make your practice more efficient, but you cannot delegate responsibility.
 True False

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