



CALIFORNIA BAR EXAMINATION CONTENT MAP PROFESSIONAL RESPONSIBILITY

Applicants should be prepared to answer questions that test knowledge of the California Rules of Professional Conduct, relevant sections of the California Business and Professions Code, and leading federal and state case law on the subject in addition to the ABA Model Rules of Professional Conduct and ABA Model Code of Professional Responsibility. Professional responsibility issues may be included in conjunction with any subject tested on the examination.

The topics listed below are illustrative of those covered in Professional Responsibility, but are not exhaustive.

I. Lawyer-client relationship

- A. Duties
 - 1. Competence
 - 2. Diligence
 - 3. Loyalty
 - 4. Confidentiality of information
 - a. California Business and Professions Code section 6068, subdivision (e)(1) requirements
 - 5. Communication
 - a. Communication with client
 - b. Communication of settlement offers
 - 6. Duties to former client
 - 7. Duties to prospective client
- B. Scope of representation and allocation of authority
- C. Conflicts of interest
 - 1. Conflicts between two or more current clients
 - 2. Conflicts between a client and a third person
 - 3. Conflicts between a client and the lawyer's personal interest
 - a. Lawyer's personal relationships and beliefs
 - (1) Relationship with other party's lawyer
 - b. Sexual relations with current client
 - c. Business transactions with client and pecuniary interests adverse to client
 - d. Acquisition of proprietary interest in subject matter of litigation

- e. Gifts from client
 - f. Use of client's information to client's disadvantage
 - g. Media rights
 - h. Payment of personal or business expenses incurred by or for a client
 - i. Limiting liability to client
 - 4. Imputation of conflicts of interest
 - 5. Conflicts of interest for government officials and employees
 - 6. Informed written consent
 - 7. Disclosure of relationships
 - 8. Circumstances under which representation is permitted
 - 9. Unlawful solicitation
- D. Fees for legal services
 - 1. Fee agreement
 - a. When written agreement is required
 - 2. Unconscionable or illegal fees
 - a. Factors for determining whether fee is unconscionable
 - 3. Unreasonable fees
 - 4. Contingent fee agreements
 - a. Family law matters
 - b. Criminal cases
 - 5. Retainer
 - 6. Flat fee
 - 7. Fee divisions among lawyers
 - 8. Referral fees
- E. Aggregate settlements
- F. Compensation from one other than client
- G. Purchasing property at foreclosure or sale subject to judicial review
- H. Safekeeping funds and property of clients and other persons
- I. Disclosure of professional liability insurance
- J. Advising or assisting the violation of law
- K. Legal advertising
- L. Organization as client
- M. Imputations of prohibitions to lawyers associated in law firm
- N. Lawyer as former judge, arbitrator, mediator, or other third-party neutral
- O. Declining or terminating representation
 - 1. Mandatory withdrawal
 - 2. Permissive withdrawal
 - 3. Requirements associated with termination of representation
- P. Sale of law practice

II. Lawyer as advisor

- A. Duty to exercise independent professional judgment and render candid advice
- B. Lawyer as third-party neutral

- C. Lawyer as temporary judge, referee, or court-appointed arbitrator

III. Lawyer as advocate

- A. Meritorious claims and contentions
- B. Avoiding delay/expediting litigation
- C. Duty of candor toward the tribunal
- D. Fairness to opposing party and counsel
 - 1. Duty not to suppress evidence
- E. Contact with judges, officials, employees, and jurors
 - 1. Duty to preserve the impartiality and decorum of the tribunal
 - 2. Ex parte communications
- F. Trial publicity
- G. Lawyer as witness
- H. Special responsibilities of a prosecutor
- I. Advocate in nonadjudicative proceedings
- J. Threatening criminal, administrative, or disciplinary charges

IV. Transactions with persons other than clients

- A. Truthfulness in statements to others
- B. Communication with a represented person
- C. Communication with an unrepresented person
- D. Duties concerning inadvertently transmitted writings

V. Law firms and associations

- A. Responsibilities of managerial and supervisory lawyers
- B. Responsibilities of a subordinate lawyer
- C. Responsibilities regarding nonlawyer assistants
- D. Employment of disbarred, suspended, resigned, or involuntarily inactive lawyer
- E. Financial and similar arrangements with nonlawyers
 - 1. Fee sharing
 - 2. Partnership with nonlawyer
- F. Unauthorized practice of law
 - 1. Multi-jurisdictional practice of law
 - 2. Advertising or holding out as practicing or entitled to practice law
- G. Restrictions on lawyer's right to practice

VI. Public Service

- A. Membership in legal services organization
- B. Limited legal services programs

VII. Information about legal services

- A. Communications concerning a lawyer's services

- B. Advertising
- C. Solicitation of clients (runners and cappers)
- D. Communication of fields of practice and specialization
- E. Firm names and trade names

VIII. Professional integrity

- A. False statement regarding application for admission to practice law
- B. Compliance with conditions of discipline and agreements in lieu of discipline
- C. Judicial officials
 - 1. Statements regarding qualifications or integrity of judicial officers or candidates for election or appointment to judicial office
- D. Misconduct
 - 1. Conduct constituting professional misconduct
 - 2. Reporting professional misconduct
- E. Prohibited discrimination, harassment and retaliation