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Professional Responsibility

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WILLIAM AUGUSTUS BOOTLE CHAIR
IN ETHICS AND PROFESSIONALISM IN THE PRACTICE OF LAW
MERCER UNIVERSITY SCHOOL OF LAW



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Preface

The questions and answers in this book are based primarily upon the American Bar Association's Model Rules of Professional Conduct and the ABA's Model Code of Judicial Conduct and reflect the text and interpretations of the Model Rules and Model Code as of August 31, 2022. Your state's rules for lawyers and judges will differ somewhat from these, but the model provisions have proven to be quite influential in the development of many states' rules. Some of the questions in the book go beyond the rules and relate to other concepts in the law of lawyering, such as malpractice, breach of fiduciary duty, and disqualification.

This Fifth Edition makes changes from prior editions to incorporate amendments to the Model Rules, newly issued Formal Opinions about the rules, and other changes to the law of lawyering. This edition retains the organization and emphasis of the Fourth Edition to mirror the organization and emphasis of the Multistate Professional Responsibility Exam (MPRE). The multiple-choice questions are written in the same format as the MPRE questions (the MPRE is entirely multiple choice), and the questions are approximately the same length and difficulty as the questions you will face on the MPRE. You should find the book to be a useful tool in your preparation and practice for the MPRE.

The book is also intended, of course, to help you in your required Professional Responsibility course. It is not a substitute for the materials assigned by your professor, nor is it a "short course" on Professional Responsibility. Its purpose is to enable you to test your understanding and adapt your study strategies accordingly. You may want to use the book at several discrete intervals during the semester. For example, once you have studied conflicts of interest, it would be a good time to review that material and then use the book to test your command of that subject. You should then have a good idea about the strengths and weaknesses of your understanding as the semester goes on and the final exam approaches.

Regardless of how you use the book, for the MPRE, for your Professional Responsibility course, or both, it will be most useful if you study the applicable Model Rules or the applicable provisions of the Model Code before attempting to answer the questions. You will find the official comments to these rules to be essential reading as well. Read the questions carefully and attempt to answer them before you read the suggested answer. You will learn much more from that active endeavor than you will from the passive exercise of reading the question and then flipping to the suggested answer.

I wish you well as you undertake the study of your responsibilities as a member of your chosen profession and as you prepare to pass the MPRE, the next step on the journey to the beginning of your legal career.

Patrick Longan
Macon, Georgia
September, 2022

About the Author

Patrick Emery Longan holds the William Augustus Bootle Chair in Ethics and Professionalism in the Practice of Law at the Mercer University School of Law and is the Director of the Mercer Center for Legal Ethics and Professionalism. Professor Longan is a 1983 graduate of the University of Chicago Law School, which he attended after obtaining his undergraduate degree from Washington University in St. Louis and his master's degree in economics from the University of Sussex. Upon his graduation from law school, Professor Longan clerked for Bernard M. Decker, Senior United States District Judge for the Northern District of Illinois. He then practiced law for seven years in Dallas, Texas, primarily with the firm of Andrews & Kurth. Professor Longan joined the faculty of the Mercer University School of Law in 2000 after nine years on the faculty of Stetson University College of Law. Professor Longan lives in Macon, Georgia, with his wife, Gretchen.

