



BarMax MPRE Study Guide

I. Regulation of the Legal Profession (6% to 12%)

A. Powers of Courts & Other Bodies to Regulate Lawyers

1. **State Regulation** – every state has its own bar and its own rules for professional conduct. State courts, not state legislatures, have the ultimate authority to regulate the legal profession within any given state. The ABA Model Rules are just a model that a state may use when drafting its own professional rules. As such, each lawyer is subject to regulation by any state in which she has been admitted to practice.

2. **Federal Courts** – every federal court has its own bar and a lawyer must be admitted before being permitted to practice before it.

3. **Self-Policing By Attorneys** – under the ABA Model Rules, a lawyer has an ethical duty to aid in professional regulation.

- **Mandatory Reporting of Professional Misconduct** – a lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority. Similarly, a lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.
 - **Knowledge?** – knowledge is defined under the ABA Model Rules as actual knowledge but this knowledge can be inferred from circumstance.
 - **Exceptions**
 - **Confidential Communications** – this rule does not require disclosure of information otherwise protected by the ethical duty of confidentiality (e.g. lawyer representing another lawyer).
 - **Approved Lawyers' Assistance Program** – this rule does not require disclosure of information gained by a lawyer or judge while participating in an approved lawyers' assistance program (e.g., substance abuse programs).

B. Admission to the Profession – under the ABA Model Rules, a person must be psychologically and morally fit to practice law. Every state may restrict the practice of law to the members of the state bar because each state has an interest in maintaining the integrity of legal profession in order to protect the public.

1. **Burden of Proof** – the burden of proof is on the applicant to demonstrate the necessary fitness.

2. **Permissible Standards** – each state sets its own requirements for bar admission. However, to be permissible, these standards **must have a rational relationship to the applicant's fitness or capacity to practice law.**

- **Good Moral Character** – acts of moral turpitude demonstrate a lack of good moral character.
 - **Acts of Moral Turpitude?**
 - **Lying** – e.g. extortion, bribery, forgery, perjury, etc.
 - **Violence** – e.g. murder, etc.
 - **Theft**
 - **Extreme Recklessness**
 - **Sexual Misconduct**

Mpre Study Guide 2013

Jicheng Xie



Mpre Study Guide 2013:

Mpre Study Guide 2013 Book Review: Unveiling the Magic of Language

In an electronic digital era where connections and knowledge reign supreme, the enchanting power of language has are more apparent than ever. Its power to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "**Mpre Study Guide 2013**," published by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound affect our existence. Throughout this critique, we shall delve into the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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