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39	A	B	C	D	E

PRACTICE QUESTIONS

State Bar of Nevada

FLE

Foundational Law Exam

EDITION

Demo

QUESTIONS

9

FORMAT

Limited Edition PDF

Before you begin

What this is

9 practice questions for State Bar of Nevada **FLE**, each with its answer key and an explanation. Answer a question before you read its key — the explanation is worth more once you have committed.

If something looks wrong

Send us three things and we will check it:

- the exam code, **FLE**
- the question number
- the email address on your order

Write to **support@mometrix.net**. We reply within one business day.

QUESTION 1

SINGLE CHOICE

Which source has the highest binding authority on a Nevada state court when interpreting Nevada law?

- ☐ A A treatise on Nevada criminal law
- ☒ B A decision of the Nevada Supreme Court on the same legal issue
- ☐ C A decision of the United States Court of Appeals for the Ninth Circuit
- ☐ D A federal district court opinion from the District of Nevada

ANSWER B

WHY Within Nevada's court system, the Nevada Supreme Court is the court of last resort for state-law matters, and its decisions are binding on all lower Nevada courts. Treatises are persuasive only, the Ninth Circuit binds only federal courts on federal issues, and a single federal district court decision is merely persuasive on questions of state law.

QUESTION 2

SINGLE CHOICE

Under the Nevada Rules of Professional Conduct, which of the following best describes the 'unauthorized practice of law'?

- ☐ A A lawyer advertising their services in any medium
- ☒ B A non-lawyer holding themselves out as authorized to give legal advice or represent another person in a legal matter
- ☐ C A lawyer sharing office space with non-lawyers
- ☐ D A non-lawyer performing paralegal work supervised by a lawyer

ANSWER B

WHY The unauthorized practice of law generally occurs when a non-lawyer renders legal services for another, including giving legal advice or representing someone in a legal proceeding. Advertising, shared office space, and properly supervised paralegal work are not, by themselves, the unauthorized practice of law.

QUESTION 3

SINGLE CHOICE

A civil dispute between two Nevada residents for damages of \$12,500 is most likely within the jurisdiction of which Nevada court?

- ☐ A The Nevada Supreme Court
- ☐ B The Nevada Court of Appeals
- ☒ C The Justice Court
- ☐ D The Court of Appeals, sitting as the court of last resort on this amount

ANSWER C

WHY Justice Courts are courts of limited jurisdiction that typically hear civil cases involving smaller amounts in controversy (generally up to \$15,000), as well as misdemeanors and small claims. The Supreme Court and Court of Appeals are appellate courts and generally do not hear such matters at the trial level.

QUESTION 4

SINGLE CHOICE

A lawyer who is representing two clients with directly conflicting business interests must obtain which of the following, if informed consent is to cure the conflict?

- ☒ A Written informed consent from each client confirmed in writing
- ☐ B Oral consent witnessed by a paralegal
- ☐ C Court approval only
- ☐ D Approval from the State Bar of Nevada

ANSWER A

WHY Under the Nevada Rules of Professional Conduct, a lawyer may represent clients with concurrent conflicts only if, among other requirements, each affected client gives informed consent confirmed in writing. Oral consent, court approval alone, or State Bar approval are not the operative requirements.

QUESTION 5

SINGLE CHOICE

Which of the following duties does a Nevada lawyer owe to a client under the Rules of Professional Conduct?

- ☐ A A duty to guarantee a favorable outcome in litigation
- ☒ B A duty of confidentiality regarding information related to the representation
- ☐ C A duty to disclose all client confidences to opposing counsel upon request
- ☐ D A duty to refuse payment of any fee

ANSWER B

WHY A core duty owed by a Nevada lawyer to each client is the duty of confidentiality, which prohibits revealing information related to the representation. The other choices describe obligations that either do not exist or directly contradict the Rules: a lawyer does not guarantee outcomes, must not disclose confidences to opposing counsel, and is generally entitled to reasonable compensation.

QUESTION 6

SINGLE CHOICE

In an action for breach of contract under Nevada law, which element must a plaintiff generally prove?

- ☐ A That the defendant acted with malice
- ☒ B That a valid contract existed and that the defendant breached a material term
- ☐ C That the defendant was unlicensed
- ☐ D That a third party witnessed the agreement

ANSWER B

WHY The prima facie elements of a breach-of-contract claim in Nevada are: (1) a valid contract, (2) the plaintiff's performance or excuse for non-performance, (3) the defendant's breach, and (4) resulting damages. Malice, licensure, and the presence of a witness are not general elements of the cause of action.

QUESTION 7 SINGLE CHOICE

Under the Nevada Rules of Evidence, a statement offered to prove the truth of the matter asserted is generally inadmissible unless an exception applies. This definition describes which type of evidence?

- ☐ A Demonstrative evidence
- ☐ B Documentary evidence
- ☒ C Hearsay
- ☐ D Real evidence

ANSWER C

WHY Hearsay is an out-of-court statement offered to prove the truth of the matter asserted, and it is generally inadmissible unless it falls within a recognized exception or exemption. Demonstrative evidence illustrates a fact, documentary evidence is a writing, and real evidence is a physical object—none of these are defined by the truth-of-the-matter-asserted rule.

QUESTION 8 SINGLE CHOICE

In a typical Nevada civil action, a complaint must contain which of the following?

- ☐ A A demand for a specific dollar amount of damages regardless of proof
- ☒ B A short and plain statement of the grounds for the court's jurisdiction, a short and plain statement of the claim showing the pleader is entitled to relief, and a demand for relief
- ☐ C A full trial brief attached as an exhibit
- ☐ D A verbatim recitation of every witness's anticipated testimony

ANSWER B

WHY Nevada civil procedure tracks the federal system and requires a short and plain statement of jurisdictional grounds, a short and plain statement of the claim showing entitlement to relief, and a demand for the relief sought. The other options describe practices that are either improper (e.g., demanding a specific dollar amount regardless of proof) or unrelated to pleading requirements.

QUESTION 9

MULTIPLE CHOICE

Under the Nevada Rules of Professional Conduct, a lawyer may reveal confidential information relating to the representation of a client in which of the following circumstances? (Choose two.)

- ☒ **A** The client has given informed consent to the disclosure.
- ☐ **B** The lawyer believes the disclosure is necessary to prevent the client from committing a crime that is reasonably certain to result in substantial financial harm to a third party.
- ☒ **C** The disclosure is necessary to prevent, mitigate, or rectify substantial financial injury to a third party that is reasonably certain to result from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services.
- ☐ **D** A former client has made the information public in connection with a dispute with the lawyer over fees.

ANSWER A - C

WHY Under Nevada RPC 1.6, a lawyer generally must not reveal information relating to the representation. The rule expressly permits disclosure when the client gives informed consent (A). It also permits disclosure to the extent necessary to prevent, mitigate, or rectify substantial financial injury to a third party caused by the client's crime or fraud in furtherance of which the client used the lawyer's services (C). Option B misstates the rule: disclosure to prevent client financial crime alone, with no third-party injury tied to use of the lawyer's services, is not one of the enumerated exceptions. Option D describes a situation where the privilege itself may be deemed waived by the former client, not a standalone RPC 1.6 exception; it is not the best statement of when a lawyer 'may reveal' confidential information.