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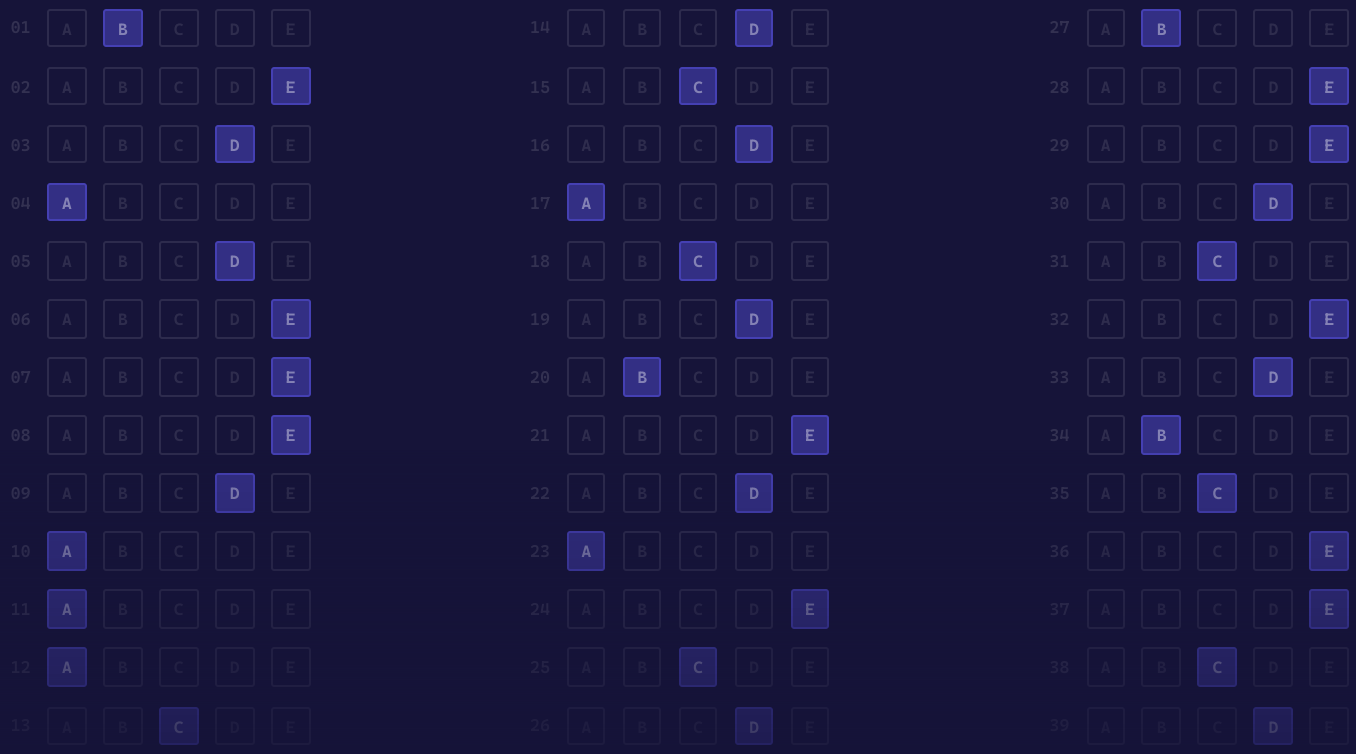

PRACTICE QUESTIONS

The State Bar of California (Legal Specialist Examination) - Test Center

LS

LS Practice Exam

EDITION	QUESTIONS	FORMAT
Demo	9	Limited Edition PDF

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Before you begin

What this is

9 practice questions for The State Bar of California (Legal Specialist Examination) - Test Center `LS`, 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, `LS`
- the question number
- the email address on your order

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

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QUESTION 1 SINGLE CHOICE

Under California Rule of Professional Conduct 1.4, what is the attorney required to do when a client makes a decision that affects the client's fundamental objectives in the representation?

A Defer to the attorney's own professional judgment and proceed accordingly

B Consult with the client about the means by which the client's objectives are to be accomplished and obtain the client's informed consent

C Inform the court of the client's decision before taking further action

D Withdraw from the representation immediately

ANSWER B

WHY Rule 1.4 requires the attorney to keep the client reasonably informed of significant developments and to consult with the client about the means by which the client's objectives are to be accomplished. Where a decision affects the client's fundamental objectives, the attorney must obtain the client's informed consent (Rule 1.4(a)(2)). The attorney may not simply substitute the attorney's own judgment (A); informing the court is not the required procedure (C); and withdrawal is not automatically required (D).

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QUESTION 2 SINGLE CHOICE

A defendant files a demurrer to a complaint in California superior court. The demurrer is overruled. The defendant wishes to challenge this ruling. Which procedural vehicle is generally available to the defendant?

A File a special demurrer within 10 days

B Appeal immediately from the order overruling the demurrer

C Answer the complaint and raise the defect on appeal from the final judgment

D File a motion for reconsideration as a matter of right

ANSWER C

WHY In California, an order overruling a demurrer is not immediately appealable; the defendant must answer the complaint and may challenge the ruling on appeal from the final judgment. A special demurrer (A) is a separate mechanism with its own timing and grounds. An immediate appeal (B) is not available because interlocutory appeals from orders overruling demurrers are not generally permitted. A motion for reconsideration (D) does not preserve the issue for appellate review in the same manner and is not the recognized vehicle.

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QUESTION 3 SINGLE CHOICE

During marriage, Spouse A used separate property funds to pay off a mortgage on a community property residence. On dissolution of marriage, what right does Spouse A have under the California Family Code?

A No reimbursement is available because mortgage payments are presumed to be gifts to the community

B A reimbursement claim equal to the payments made with separate property funds, with interest at the legal rate

C An automatic 50 percent ownership interest in the residence

D Reimbursement only if Spouse A files a transmutation agreement during the marriage

ANSWER B

WHY Under Family Code § 2640, a spouse is entitled to reimbursement for separate property used to acquire or improve community property, including payments of principal on a community property mortgage, plus interest at the legal rate. Payments are not presumed to be gifts (A); reimbursement does not depend on a transmutation agreement (D); and there is no automatic 50 percent interest (C).

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QUESTION 4 SINGLE CHOICE

An attorney who has not previously handled a complex patent infringement matter accepts a retainer in that area. Under California Rule of Professional Conduct 1.1, what must the attorney do?

A Decline the representation immediately because the area is unfamiliar

B **Associate with, or consult with, an attorney who has the requisite knowledge and skill, or acquire sufficient learning and experience before undertaking the matter**

C Bill the client for CLE courses taken after the representation begins

D Refer the client to a non-California attorney without explanation

ANSWER B

WHY Rule 1.1 requires competence, which includes having the legal knowledge, skill, thoroughness, and preparation reasonably necessary. Where a matter requires knowledge beyond the attorney's existing competence, the attorney may nonetheless provide competent representation by associating or consulting with another attorney who possesses the requisite skill, or by acquiring sufficient learning and experience. The rule does not mandate flat refusal (A); it allows informed continuation with proper support. Billing for CLE (C) is not a substitute for competence, and referring without explanation (D) violates Rule 1.4 communication duties.

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QUESTION 5 SINGLE CHOICE

Under the California Evidence Code, which privilege protects confidential communications between an attorney and client made for the purpose of obtaining or providing legal advice?

A The physician-patient privilege

B The clergy-penitent privilege

C The attorney-client privilege

D The marital communications privilege

ANSWER C

WHY The attorney-client privilege, codified at Evidence Code §§ 954–955, protects confidential communications between attorney and client made for the purpose of facilitating the rendition of legal services. The physician-patient privilege (A) protects medical information; the clergy-penitent privilege (B) protects penitential communications; and the marital communications privilege (D) protects confidential communications between spouses. None of those apply to the attorney-client scenario described.

QUESTION 6 SINGLE CHOICE

A plaintiff in California wishes to file a personal injury action after the two-year statute of limitations has expired. The plaintiff discovers a new piece of evidence that was previously unavailable. Which doctrine, if applicable, may allow the action to proceed?

A Res judicata

B Equitable tolling or the discovery rule, depending on the injury

C Forum non conveniens

D Collateral estoppel

ANSWER B

WHY In California, certain personal injury claims (such as those involving latent injuries) are subject to the discovery rule, which postpones accrual until the plaintiff discovers or should have discovered the cause. Equitable tolling may also apply where a plaintiff has been prevented from filing due to circumstances beyond their control. Res judicata (A) is a claim-preclusion doctrine, not a tolling mechanism. Forum non conveniens (C) concerns venue selection. Collateral estoppel (D) is an issue-preclusion doctrine.

QUESTION 7 SINGLE CHOICE

Under California Rule of Professional Conduct 1.15, what is the attorney's duty regarding client funds received in connection with a representation?

A Deposit the funds into the attorney's general operating account pending identification of the client

B Deposit the funds into a client trust account, identify and label them, and promptly notify the client of receipt

C Hold the funds in a personal savings account until fees are earned

D Refuse to accept any client funds and require the client to pay all fees upfront

ANSWER B

WHY Rule 1.15 requires that all funds received for the benefit of a client be deposited into a client trust account, properly identified, and that the client be promptly notified of receipt. Funds cannot be commingled with the attorney's operating or personal accounts (A, C). Refusing client funds entirely (D) is not the rule's remedy — proper handling is.

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QUESTION 8 SINGLE CHOICE

Under the California Determinate Sentencing Act, a defendant is convicted of a felony punishable by a three-year middle term. The trial court wishes to impose the upper term of five years. What must the court find?

A The defendant has a prior felony conviction

B The defendant's waiver of a jury trial

C Factors in aggravation that outweigh factors in mitigation, with findings based on the record

D That the defendant refused to plead guilty

ANSWER C

WHY Under Penal Code § 1170(b) and the Determinate Sentencing Act, the court may impose the upper term only when factors in aggravation outweigh factors in mitigation. These findings must be based on the record, and since Cunningham v. California (2007), facts (other than prior convictions) that increase the sentence beyond the middle term must be found by the jury or admitted by the defendant. Option A alone is not sufficient; option B is unrelated; option D is irrelevant.

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QUESTION 9 MULTIPLE CHOICE

An attorney associates with a specialist co-counsel in a complex antitrust matter that is outside the associating attorney's area of competence. Under the California Rules of Professional Conduct, which of the following duties apply? (Choose two.)

A The associating attorney must personally review the co-counsel's work to ensure it is correct before filing.

B The associating attorney must limit the association to that which the client is informed of in writing.

C The associating attorney must reasonably believe the co-counsel is competent in the field and the association is not prohibited by confidentiality conflicts.

D The associating attorney remains responsible to the client for the quality of the co-counsel's work and must supervise the matter adequately.

ANSWER C · D

WHY Rule of Professional Conduct 1.1(c) (and related competence provisions) permits an attorney to associate with another lawyer to provide competence in a matter, provided the attorney reasonably believes the co-counsel is competent and the association does not violate confidentiality, and the attorney remains responsible to the client for the quality of the work performed. Options A and B misstate the standard; the rule does not require personal line-by-line review of every filing nor a written disclosure to the client as a precondition.

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