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PRACTICE QUESTIONS

The State Bar of California (Remote)

FYLNIX

First-Year Law Students' Test Center Examination

EDITION

Demo

QUESTIONS

9

FORMAT

Limited Edition PDF

Before you begin

What this is

9 practice questions for The State Bar of California (Remote) FYLNX , 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, FYLNX
- the question number
- the email address on your order

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

QUESTION 1

MULTIPLE CHOICE

A first-year law student asks which sources govern a lawyer's professional obligations in California. Which TWO of the following are correct? (Choose two.)

- ☒ **A** The California Rules of Professional Conduct (RPC)
- ☐ **B** The Federal Rules of Civil Procedure
- ☒ **C** California Business and Professions Code provisions on attorneys
- ☐ **D** The American Bar Association Model Rules of Professional Conduct as binding law in California

ANSWER A • C

WHY In California, an attorney's professional duties are governed primarily by the California Rules of Professional Conduct (adopted by the State Bar) and by statutory provisions in the California Business and Professions Code. The Federal Rules of Civil Procedure govern procedure in federal court and are not the source of professional-conduct obligations, and the ABA Model Rules are persuasive only — they are not binding in California.

QUESTION 2

MULTIPLE CHOICE

Which TWO of the following statements accurately describe California's rules on the unauthorized practice of law (UPL)? (Choose two.)

- ☒ **A** Only members of the State Bar of California may practice law in California, subject to limited exceptions.
- ☒ **B** A law student may render legal services that meet the requirements of California Rule of Professional Conduct 5.5(c) and applicable court rules.
- ☐ **C** Any unlicensed person may appear in any California court if they pay the filing fee.
- ☐ **D** Nonlawyers may always negotiate the terms of a settlement for a third party without violating UPL.

ANSWER A • B

WHY California limits the practice of law to active State Bar members, with limited exceptions. Law students who satisfy the requirements of CRPC 5.5(c) (registration, supervision, and the scope of permitted activities) and applicable court rules may perform certain legal services. Unlicensed persons generally may not appear in court, and a blanket permission for nonlawyers to negotiate settlements misstates California UPL law.

QUESTION 3

SINGLE CHOICE

Which statement best describes the attorney-client privilege in California?

- ☐ **A** It is absolute and cannot be waived by anyone, including the client.
- ☒ **B** It attaches to confidential communications between attorney and client made for the purpose of obtaining or providing legal advice.
- ☐ **C** It applies to all communications a lawyer has with anyone the lawyer represents in any matter.
- ☐ **D** It is created by the California Rules of Professional Conduct rather than statute and case law.

ANSWER B

WHY California's attorney-client privilege (Evidence Code §§ 950–962) protects confidential communications between attorney and client made for the purpose of obtaining or providing legal advice. The privilege is held by the client and can be waived. It does not cover every communication with every represented person, and its primary sources are statute and case law, not the CRPC.

QUESTION 4

SINGLE CHOICE

Under California Rule of Professional Conduct 1.6, a lawyer generally must NOT reveal information relating to the representation. Which of the following is a recognized exception that permits disclosure?

- ☐ A The lawyer believes the disclosure will help the lawyer's professional reputation.
- ☐ B The client insists the lawyer share the information with a third party.
- ☒ C The lawyer reasonably believes disclosure is necessary to prevent a criminal act that is likely to result in death or substantial bodily harm.
- ☐ D The opposing counsel requests the information in writing.

ANSWER C

WHY CRPC 1.6 permits (and in some circumstances requires) disclosure to prevent a criminal act the lawyer reasonably believes is likely to result in death or substantial bodily harm, along with other narrowly defined exceptions (such as to prevent certain financial fraud by a client). Promoting the lawyer's reputation, a client's waiver, or an opposing party's request are not independent grounds to disclose.

QUESTION 5

SINGLE CHOICE

A lawyer represents Client A in a matter. Client B then asks the lawyer to sue Client A in an unrelated matter. Which CRPC concept most directly applies?

- ☐ A CRPC 1.5 fee arrangements
- ☒ B CRPC 1.7 concurrent conflicts of interest
- ☐ C CRPC 1.1 competence
- ☐ D CRPC 1.4 communication

ANSWER B

WHY Directly adverse representation involving an existing client triggers CRPC 1.7 (concurrent conflicts of interest). The lawyer must evaluate whether the representation is likely to create a material limitation and, if so, may proceed only if specific conditions (including informed written consent) are met.

QUESTION 6

SINGLE CHOICE

Which statement best states a lawyer's duty of candor to a California tribunal?

- ☐ A A lawyer may never disclose a client's intention to commit perjury and must maintain confidentiality in all circumstances.
- ☒ B A lawyer must not make false statements of fact or fail to disclose legal authority known to be dispositive of a question before the tribunal.
- ☐ C A lawyer may rely on any representation made by the client without independent verification, even in pleadings.
- ☐ D A lawyer's duty of candor is satisfied by certifying only that the complaint is not frivolous.

ANSWER B

WHY CRPC 3.3 prohibits a lawyer from making false statements of fact or failing to disclose controlling legal authority known to the lawyer. When a client intends to commit perjury or has done so, the lawyer has a limited duty to take remedial measures (which may include disclosure). The other options either overstate confidentiality or understate the duty of candor.

QUESTION 7

SINGLE CHOICE

Under California law, a lawyer's fee for services must be reasonable and not unconscionable. Which of the following is generally permitted?

- ☐ A Sharing legal fees with a nonlawyer.
- ☐ B Paying a nonlawyer for client referrals in violation of CRPC 7.2/7.3.
- ☒ C Entering into a valid fee-splitting arrangement with another lawyer who assumes joint responsibility for the representation consistent with CRPC 1.5.
- ☐ D Charging a contingent fee in any type of case, including criminal defense.

ANSWER C

WHY Lawful fee-splitting under CRPC 1.5 requires a written agreement, reasonable division, and (for matters other than certain specified relationships) joint financial responsibility for the representation. Fee-splitting with nonlawyers is prohibited, and contingent fees are barred in criminal cases under Business and Professions Code § 6147 and CRPC 1.5.

QUESTION 8

SINGLE CHOICE

A California lawyer wants to send a written communication to a person known to need legal services. Which statement best reflects the advertising and solicitation rules?

- ☐ A Any targeted written communication to a person with specific legal needs is always prohibited.
- ☒ B Targeted written communications are permissible so long as they comply with CRPC 7.2 and 7.3, including the requirement that the communication not be false or misleading.
- ☐ C Targeted written communications are permissible without any restriction if they include a fee schedule.
- ☐ D Solicitation is only regulated when it is in person, never when it is by mail or email.

ANSWER B

WHY Under CRPC 7.2 and 7.3, California permits targeted written communications to persons known to need specific legal services, provided the communication complies with content and disclosure requirements (truthful, not misleading, includes required information, etc.) and is not otherwise prohibited. The other statements misstate the scope of the rules.

QUESTION 9

SINGLE CHOICE

Which of the following best describes a lawyer's duty regarding client funds held in trust in California?

- ☐ A A lawyer may commingle client funds with the lawyer's general operating account.
- ☒ B A lawyer must hold client funds in a client trust account, separate from the lawyer's own funds, and may only withdraw earned fees upon proper notice or accounting.
- ☐ C A lawyer may use client trust funds for the lawyer's personal expenses if the lawyer intends to replace them later.
- ☐ D A lawyer has no obligation to keep records of client trust funds once a matter closes.

ANSWER B

WHY California requires client funds to be kept in a separate Interest on Lawyers' Trust Accounts (IOLTA) or designated trust account, with careful recordkeeping under CRPC 1.15. Earned funds may only be withdrawn once they are earned, often with prior notice to the client and a proper accounting. Commingling and misappropriation violate the rule and can trigger discipline.