

THE USE OF KEY WORDS AND PHRASES ON THE MPRE

Each question contained in the MPRE provides a factual situation along with a specific question and four possible answer choices. Examinees should pick the best answer from the four possible answer choices.

Each question may include, among others, one of the following key words or phrases:

1. Subject to discipline asks whether the conduct described in the question would subject the lawyer to discipline under the provisions of the ABA Model Rules of Professional Conduct. In the case of a judge, the test questions also ask whether the judge would be subject to discipline under the ABA Model Code of Judicial Conduct.
2. May or proper asks whether the conduct referred to or described in the question is professionally appropriate in that it:
 - a. Would not subject the lawyer or judge to discipline; and
 - b. Is not inconsistent with the Preamble, Comments, or text of the ABA Model Rules of Professional Conduct or the ABA Code of Judicial Conduct; and
 - c. Is not inconsistent with generally accepted principles of the law of lawyering.
3. Subject to litigation sanction asks whether the conduct described in the question would subject the lawyer or the lawyer's law firm to sanction by a tribunal such as contempt, fine, fee forfeiture, disqualification, or other sanction.
4. Subject to disqualification asks whether the conduct described in the question would subject the lawyer or the lawyer's law firm to disqualification as counsel in a civil or criminal matter.
5. Subject to civil liability asks whether the conduct described in the question would subject the lawyer or the lawyer's law firm to civil liability, such as claims arising from malpractice, misrepresentation, and breach of fiduciary duty.
6. Subject to criminal liability asks whether the conduct described in the question would subject the lawyer to criminal liability for participation in, or aiding and abetting criminal acts, such as prosecution for insurance and tax fraud, destruction of evidence, or obstruction of justice. When a question refers to discipline by the "bar," "state bar," or "appropriate disciplinary authority," it refers to the agency in the jurisdiction with the authority to administer the standards for admission to practice and for maintenance of professional competence and integrity. Whenever a lawyer is identified as a "certified specialist," that lawyer has been so certified by the appropriate agency in the jurisdiction in which the lawyer practices.
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