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CHAPTER 2: The Unauthorized Practice of Law

1. Paralegals may not take on substantive legal task regardless of whether the tasks are requested or supervised by an attorney.

a. True
*b. False

2. Substantive legal tasks are duties that take legal analysis and application of specialized knowledge, rather than clerical tasks.

*a. True
b. False

3. When conducting an intake interview, a paralegal may answer the potential client's question, even if it is providing legal advice, if the paralegal is knowledgeable on the law related to the potential client's inquiry.

a. True
*b. False

4. In the case of *Lowe v. City of Shelton*, parents were permitted to act as a represented of their minor son and maintain an appeal as pro se litigants.

a. True
*b. False

5. Historically, the regulation of the practice of law dates back very roughly to the ancient Greeks.

*a. True
b. False

6. In 1641, the "Massachusetts Body of Liberties" was the first official regulation that permitted lawyers to charge a fee for their services.

a. True
*b. False

7. A restriction of entry into a profession to ensure that certain standards are met prior to admission can be referred to as a "Gatekeeping Function."

*a. True
b. False

8. All state courts have a clear and common definition of what constitutes UPL.

a. True
*b. False

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9. If a paralegal commits UPL, an attorney is not subject to discipline by his or her state bar for the paralegals illegal conduct.

a. True
*b. False

10. In some jurisdictions, UPL is criminally punished as a misdemeanor.

*a. True
b. False

11. The very first step in practicing law is the acquisition of clients.

*a. True
b. False

12. The establishment of the attorney-client relationship requires the actual signing of retainer agreements.

a. True
*b. False

13. The rendering of legal advice to the public is the sole domain of an attorney.

*a. True
b. False

14 According to your textbook, UPL usually takes one of _____ forms.

A. 5
B. 7
C. 2
*D. 3

15. Courts have consistently held that the _____ exception to the unauthorized practice of law is reserved only for the litigant him/herself.

*A. Pro Se
B. Quid Pro Quo
C. Guardian Ad Litem
D. Fiduciary

16. The _____ prohibited lawyers from receiving a fee for their services.

*A. “Massachusetts Body of Liberties” of 1641
B. U.S. Declaration of Independence
C. Magna Carta
D. Solicitors’ Proscription of 1570

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17. In *Tormo v. Yormark*, the court held that when the attorney told a potential client that he would "see what could be done with regard to settlement," _____.

A. No attorney-client relationship was formed
B. The client could not perceive the existence of an attorney-client relationship
*C. The contact was sufficient to impose on the attorney duties all attorneys owe to their clients
D. A limited relationship was established, but it did not impose on the attorneys the same duties the attorney owed to his or her retained clients

18. The court in _____ stated "A client has a right to expect that her "legal work" will be performed by an attorney or a person qualified to do so under the direct supervision of an attorney."

A. *In re Reynoso*
B. *Kim v. Desert Document Services, Inc.*
C. *State v. Northouse*
*D. *McMahon v. Advanced Title Services Company of West Virginia*

Type: E
19. According to the court in *Moen v. Thomas*, "The existence of an attorney-client relationship turns largely on the client's subjective belief it exists and looks to the nature of the work performed and to the circumstances under which confidences are divulged. The existence of an attorney-client relationship is a question of fact." Describe to what the court is referring when it references "the client's subjective belief" and on what questions of fact and attorney and/or paralegal should look to determine whether an attorney-client relationship exists.
a. Answers will vary

Type: E
20. What are the differences and similarities between a freelance paralegal, an independent paralegal, and a legal document preparer?
a. Answers will vary

Type: E
21. List the agencies that permit non-legal representation or appearances and to what extent a non-lawyer can represent a named party?
a. Answers will vary

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