From John Tuchi's 4/11/08 Session on Professional Responsibility.

For purposes of a Bar Exam question, it will be helpful for you to run through the following decision tree to spot issues, then perform analysis issue by issue:

1. Does the fact pattern involve the attorney's duties to the client? This has several major branches:

- Do you have a client, and for what purposes 1.2?
  - If so, what is scope of representation, subject matter 1.2, and time 1.16
  - If not, do duties still attach 1.18?
- Duty of Confidentiality 1.6
- Duty to Protect Client's Interests - sub branches:
  - Protect Client Interests as against other or former clients 1.7, 1.9. 1.10/11
  - Protect Client's interests as against attorney's own interests 1.8, 1.5
  - Protect Client's Property 1.15
- Special Client Types
  - Organizational Client 1.13
  - Diminished Capacity Client 1.14

2. Does fact pattern implicate attorneys duties to 3rd parties? Branches:

- While attorney is acting as a neutral or evaluator 2.3, 2.4
- While attorney is acting as an advocate for one party in litigation 4.1-4.4
- (**decent chance of a 4.2 or 4.3 angle in question - know it at least**)

3. Does it implicate the attorney's duties to the court? 3.1-3.6

4. Does the fact pattern implicate an attorney's duties to the Profession (**Unlikely**)? Has branches:

- Are they affirmative duties requiring some action? 8.3
- Are they proscriptive duties? 7.1-7.4; 8.1 (applies to applicants);8.4

5. Does fact pattern involve how the attorney qualitatively performs their work in representing the client Competence? 1.1, Diligence 1.3, Communication 1.4. Examples

6. Does the fact pattern suggest circumstances where attorney might be responsible for enforcing the duties of others? 5.1-3