

## SYLLABUS FOR THE 2019 BAR EXAMINATIONS

# LEGAL AND JUDICIAL ETHICS AND PRACTICAL EXERCISES

**NOTE:** This syllabus is an outline of the key topics that fall under the core subject “Legal and Judicial Ethics and Practical Exercises”. Accordingly, all Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to these topics as of **June 30, 2018** are examinable materials within the coverage of the 2019 Bar Examinations.

### I. LEGAL ETHICS

#### A. Practice of Law

1. Concept
2. Qualifications for admission to the Bar (Bar Matter No. 1153)
3. Continuing requirements for membership in the bar
4. Appearance of Non-Lawyers
  - a. Law student practice rule (Rule 138-A)
  - b. Non-lawyers in courts and/or administrative tribunals
  - c. Proceedings where lawyers are prohibited from appearing as counsels
5. Prohibited practice of non-lawyers and appearance without authority
6. Public officials and the practice of law; prohibitions and disqualifications
7. The Lawyer’s Oath

#### B. Duties and responsibilities of a lawyer under the Code of Professional Responsibility

1. To society (Canons 1 to 6)
2. To the legal profession
  - a. Canons 7 to 9
  - b. Integrated Bar of the Philippines (Rule 139-A)
    - i. Membership and dues
3. To the courts (Canons 10 to 13)
4. To the clients
  - a. Canons 14 to 22
  - b. Attorney’s fees
    - i. Acceptance fees
    - ii. Contingency fee arrangements
    - iii. Attorney’s liens
    - iv. Fees and controversies with clients
    - v. *Quantum meruit*

#### C. Suspension, disbarment and discipline of lawyers

1. Nature and characteristics of disciplinary actions against lawyers
2. Grounds
3. Proceedings (Rule 139-B, Rules of Court, as amended)
4. Recoverable amounts; intrinsically linked to professional engagement

#### D. Readmission to the Bar

1. Lawyers who have been suspended
2. Lawyers who have been disbarred

#### E. Mandatory Continuing Legal Education (Bar Matter No. 850, as amended)

1. Requirements
2. Compliance
3. Exemptions
4. Sanctions

#### F. Notarial Practice (A.M. No. 02-8-13-SC, as amended)

1. Qualifications of a notary public
2. Term of office of a notary public
3. Powers and limitations

4. Notarial Register
5. Jurisdiction of notary public and place of notarization
6. Competent evidence of identity
7. Sanctions
8. Relation to Code of Professional Responsibility

## II. JUDICIAL ETHICS

- A. Sources
  1. New Code of Judicial Conduct for the Philippine Judiciary (Bangalore Draft)
  2. Code of Judicial Conduct
- B. Disqualifications of judicial officers (Rule 137)
  1. Compulsory
  2. Voluntary
- C. Administrative jurisdiction of the Supreme Court over Judges and Justices (all levels)

## III. PRACTICAL EXERCISES

- A. Demand and authorization letters
- B. Simple contracts: lease and sale
- C. Special power of attorney
- D. Verification and certificate of non-forum shopping
- E. Notice of hearing and explanation in motions
- F. Judicial Affidavits
- G. Notarial certificates: *jurat* and acknowledgement
- H. Motions for extension of time, to dismiss, and to declare in default

- NOTHING FOLLOWS -