

Self-Assessment Test

March 2009

New York Professional Responsibility Report

Receive one-half hour of CLE credit in Ethics and Professionalism by reading the March 2009 issue of NYPRR and answering the following questions. The answers are contained within the newsletter. Return this form, together with your payment of \$15 by check or money order. For both true-false questions and multiple-choice questions, mark the correct box with an "x". You must score 80 (16 out of 20 correct) to receive a certificate.

1. Rule 1.11(b) adds to the screening requirements of DR 9-101(B)(1) that the screening elements be imposed:
 - immediately*
 - with all due dispatch*
 - promptly and reasonably.*
2. Rules 1.16(a), 1.16(b)(1) and 1.16(b)(4) all substitute for the standard "it is obvious that" the standard:
 - the lawyer has full knowledge of*
 - [the lawyer] reasonably should know*
 - the lawyer is informed that.*
3. Under Rule 1.16(d): a lawyer who has good cause to withdraw from a matter must nevertheless continue to serve:
 - until the client consents in writing to withdrawal*
 - until the client confirms that he has retained new counsel*
 - when ordered to do so by the tribunal.*
4. Rule 1.18(b) extends the same protection of his confidential information to a prospective client as to:
 - a present client*
 - a former client*
 - any client served by the lawyer within the past year.*
5. Rule 2.4 permits a lawyer to act as a third party neutral to resolve conflicts between:
 - two current clients*
 - two persons who are not clients*
 - a current client and a former client.*
6. In a criminal matter, or one that threatens his client with incarceration, a lawyer may:
 - conduct the defense so as to compel the prosecution to prove every element of its case*
 - assert even those defenses which are frivolous in fact*
 - assert only those defenses which are certain to convince the court of his client's innocence.*
7. Rules 3.3(a)(3) and 3.3(c) extend a lawyer's duty to reveal a client's false evidence to the court even when it may result in:
 - a decision against the client*
 - the client's prosecution*
 - revelation of the client's confidences.*
8. Under Rule 3.4(b), a lawyer may pay to a witness:
 - a fee contingent on the outcome of a matter*
 - a fee for introducing the client to the lawyer*
 - reasonable expenses related to compensation for lost time.*
9. Rule 3.5(a)(1) adds to the rule against giving or lending anything of value to a judge, a prohibition against:
 - forming a close social relationship with a judge*
 - seeking or causing another person to influence a judge*
 - contributing to the campaign fund of a candidate for judicial office.*
10. Contrary to DR 7-108(A),(B), Rule 3.5(a)(4) permits a lawyer to communicate with a juror:
 - if authorized by law or by court order*
 - to establish jury tampering*
 - to prove that the juror is prejudiced against his client.*
11. In dealing with the issue of "lawyer as witness," Rule 3.7(a) eliminates the distinction between accepting employment and:
 - continuing employment*
 - acting as chief trial counsel*
 - possessing knowledge of the facts.*
12. In dealing with an unrepresented client, Rule 4.3 adds to the phrase "when a lawyer knows," the phrase:
 - "or is charged with the knowledge that..."*
 - "or reasonably should know that..."*
 - "or suspects that..."*

13. Rule 5.1(b)(1) extends the duties of a “lawyer with management responsibilities in a law firm” to:
- all lawyers in the firm
 - all equity partners in the firm
 - lawyers with supervisory authority over other lawyers.
14. Rule 5.3 is a separate Rule covering supervision by a law firm over:
- associates
 - all non-lawyers
 - only those non-lawyers who have contact with clients.
15. Rule 5.6 lists as agreements which may not contain covenants restricting a lawyer’s right to practice:
- malpractice insurance agreements
 - litigation settlement agreements
 - partnership, shareholder, operating, employment, or other similar type of agreement.
16. Under Rule 7.1(r), a lawyer may accept employment resulting from:
- a letter soliciting employment from an individual prospective client
 - an advertisement containing a nickname, moniker or motto implying ability to obtain results in a matter
 - an article for publication in a legal journal not containing individual legal advice.
17. Rule 8.1 subjects to discipline a lawyer who, in an application for admission to the bar, makes a false statement of material fact about:
- himself
 - another applicant
 - himself or another applicant.

18. Rule 8.2(a) adds to a judge’s “qualifications” the following attributes of a judge about which a lawyer may not knowingly make a false statement:
- the judge’s finances
 - the judge’s conduct or integrity
 - a judge’s opinion in a matter.
19. Rule 8.4(a) on Misconduct adds to “A lawyer or law firm shall not violate the Rules...”
- “or conspire with another to violate the Rules...”
 - “or cause another to violate the Rules...”
 - “or attempt to violate the Rules...”
20. Rule 8.4(e) extends the prohibition against stating an ability to influence a court improperly to:
- law firms
 - lawyers in public agencies
 - supervisory lawyers in law firms.

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