

# Self-Assessment Test

September 2009

## New York Professional Responsibility Report

Receive one-half hour of CLE credit in Ethics and Professionalism by reading the Sept. 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 2.1 instructs a lawyer advising a client to:
  - limit his advice to the law applicable to the client's facts*
  - refer, at his discretion, to other relevant considerations, including moral and psychological factors*
  - limit his advice to answering the client's questions.*
2. Simon says: Although couched in mandatory language, Rule 2.1 is really:
  - a guide to good legal practice*
  - a concept rather than a command*
  - a new Rule expanding on the Code and the ECs.*
3. Rule 2.2 is left blank and marked "Reserved" in order to:
  - enable the Appellate Divisions to insert another Rule, if necessary*
  - provide a space for the Courts' comments on the other Rules*
  - maintain consistency in numbering between the Model Rules and the NY Rules.*
4. In its impact, Rule 2.3 is relevant:
  - in criminal defense*
  - in commercial transactions*
  - in all matters.*
5. A lawyer's opinion letter may be directed to someone other than the client provided:
  - the lawyer reasonably believes the letter is compatible with the lawyer's relationship with the client*
  - the client consents in writing*
  - the client is given the opportunity to review and modify the letter.*
6. Without the client's consent, a lawyer may not issue an opinion letter:
  - when the lawyer knows that the letter is likely to affect the client's interests materially and adversely*
  - when the letter discusses complex issues which are difficult for laymen to comprehend*
  - in a matrimonial action.*
7. A third-party neutral serves to assist:
  - two clients to resolve a dispute*
  - two parties who are not clients to resolve a dispute*
  - a current client and a former client to resolve a conflict.*
8. A lawyer-neutral is required to advise the parties:
  - I represent you both impartially*
  - I do not represent either or any of you*
  - I will do my job as the law and the Rules require.*
9. Under 22 NYCRR Part 130, a lawyer is subject to a fine as high as \$10,000 by the court if he:
  - brings a proceeding which has no basis in law or fact*
  - commits a single occurrence of frivolous conduct in litigation*
  - interposes delays in a proceeding.*
10. In their definition of the term "frivolous conduct" in Rule 3.1(b), the Courts adopted:
  - a different definition from the definition in 22 NYCRR Part 130*
  - the definition suggested by COSAC*
  - a less stringent standard for "frivolous conduct" than in 22 NYCRR Part 130.*
11. The means used by a lawyer in representing a client have "no substantial purpose" if:
  - they are used for purpose of delay or to cause needless expense*
  - they do not further the client's interests*
  - they do not conform to the means used by reasonable lawyers.*
12. A new duty imposed by Rule 3.3(a)(1) on lawyers is:
  - to avoid making "knowingly" a false statement of law or fact*
  - to affirm in writing that all statements made to the court or to other parties are true*
  - to correct a false statement of material fact or law previously made to the tribunal by the lawyer.*

13. Interpreting provisions of the Code, two ethics opinions instructed a lawyer:
- to withdraw or disclaim his certification of a false statement by the client
  - to correct a false statement made to the court by the lawyer himself
  - to withdraw a false statement made to the court by the lawyer himself.
14. When participating in a clinic for clients, law students are advised to discuss a case only with their instructors and:
- other students working on the case in behalf of the same client
  - other students in the clinic
  - other students in the school.
15. A law student should avoid efforts by his friends and family to discuss:
- legal matters in the news
  - the cases in his casebook
  - the facts of a case he's working on in a law school clinic.
16. A law student should train himself to avoid steps on a computer which:
- enable others to capture his personal identity
  - discourage the receipt of unsolicited e-mail and pop-ups
  - encourage other lawyers to communicate with him electronically.
17. In *In re Anonymous*, the Court of Appeals denied admission to an applicant who:
- lacked the character to discipline himself against excessive debt
  - was late in the payment of his student debts
  - falsified his bank records.

18. Law students should be aware that:
- lawyers can be disciplined for personal conduct outside the practice of law
  - law schools are required to advise the authorities of disciplinary action against a law student
  - law students are required to advise the authorities of disciplinary actions against them.
19. Law students are advised:
- put in writing only material that is required in writing
  - proofread carefully any material you write, especially e-mail
  - don't waste time pruning your mailing lists.
20. A law student who finds that her work or academic records contain a major error should:
- take steps immediately to correct the record
  - wait until the error is referred to the school's administration
  - do nothing.

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