

Receive one-half hour of CLE credit in Ethics and Professionalism by reading the May 2011 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. The duty to consider a "noisy withdrawal" confronts a lawyer who:
 - disagrees with a client's decision to settle a matter*
 - represents a corporate client which fails to make an appropriate response to a violation of the securities laws*
 - disagrees with the political views of a client.*
2. Under SEC regulations, a lawyer representing a corporate issuer is required to report evidence of a material violation of the securities laws:
 - to the CLO of the issuer*
 - directly to the SEC*
 - to the issuer's directors.*
3. The "trigger" for a report by a corporate issuer's attorney is that he has:
 - proof of a material violation*
 - evidence of a material violation*
 - knowledge of a material violation.*
4. Under Model Rule 1.13, if, after a lawyer's efforts, the highest authority in a corporate client insists upon taking action which violates the law, and the lawyer reasonably believes the action will create substantial injury to the client, the lawyer is permitted to:
 - report the violation to the agency having jurisdiction*
 - reveal information relating to the representation whether or not Rule 1.6 permits*
 - make a "noisy withdrawal."*
5. New York's Rule 1.13 differs from the Model Rule in that it permits a lawyer to:
 - reveal confidential information only if permitted by Rule 1.6*
 - appeal the decision of the "highest authority" to a special committee of the Board*
 - submit a legal opinion setting forth the basis for his belief that a violation has occurred.*
6. Among COSAC's first assignments was, "Should New York....:
 - revise the Code of Professional Responsibility?"*
 - adopt a version of the ABA Model Rules?"*
 - start from scratch and create its own set of rules governing lawyers?"*
7. Among the reasons cited by Roy Simon for using the Model Rules as the basis for COSAC's work was:
 - the Model Rules expressed the views of lawyers in 43 states*
 - Comments to the Model Rules were better coordinated to the Rules themselves than the ECs to the DRs*
 - The Model Rules had survived the test of Time.*
8. Another reason was that the NY Code did not include some provisions of the Model Rules, including the duty of a lawyer to:
 - associate with another lawyer with competence in a matter*
 - avoid conflicts of interest between clients*
 - protect the information disclosed by a prospective client.*
9. Still another reason for converting to the Model Rules was:
 - their expanded data and research base*
 - their relative clarity*
 - their greater relevance to current issues facing lawyers.*
10. As Roy Simon points out, NY lawyers who litigate in most adjacent states:
 - are disadvantaged by not knowing the language of ethics rules in those states*
 - are more likely than resident lawyers to face disciplinary issues*
 - should study the ethics rules of the neighboring state before trial.*

11. Former EC 2-25, amended in 1995, has been preserved in
- Rule 6.1 of the New York Rules
 - the Comments to Rule 6.1
 - the Preamble to the Rules of Professional Conduct.
12. NY Rule 6.1 recommends that every lawyer “aspire” to provide:
- at least \$500 per year in support of organizations providing legal services to the poor
 - at least 20 hours per year of legal services for poor persons
 - at least 5 hours per year as advisor to an organization providing legal services for the poor.
13. Rule 6.1 of the Rules of Professional Conduct:
- provides for enforcement through the disciplinary process
 - expresses only aspirational goals
 - contains some provisions which are mandatory and some which are only aspirational.
14. The State Bar Task Force which submitted a report on lawyer advertising:
- conducted its meetings and discussions in secret to avoid heated debate among lawyers
 - studied and discussed 300 ads, interviewed Disciplinary Counsel in several states, and appointed five subcommittees
 - had several meeting with the Courts to discuss its report.
15. The Task Force on Advertising was chaired by Bernice Leber and reflected research by lawyers:
- from large firms and solo practitioners
 - from the firm of Arent Fox
 - throughout the State.

16. The 479-page report by COSAC in 2005:
- explained why New York had accepted, rejected or modified each of the ABA Model Rules
 - was written after consultation with the Courts
 - recommended retention of the Code of Judicial Responsibility.
17. Judiciary Law § 488 and DR 5-103(B) confirmed:
- the right of a lawyer to advance the costs and expenses of litigation, contingent on the outcome
 - the obligation of a client to remain ultimately liable for costs and expenses
 - the obligation of a lawyer to secure his client’s approval before making an expenditure of costs.
18. Limited Pro Bono Services are essentially limited to:
- short one-time meetings between lawyer and client
 - pro bono representation limited to one matter only
 - review of the facts and referral to a pro-bono organization.
19. An issue which can arise in Limited Pro Bono Services is:
- the limitations in time do not permit advice on complicated facts
 - the facts recited by an attendee can point to a conflict with an existing or former client
 - lawyers can be frustrated by differences in language and communication.
20. The Sections entitled Preamble, Scope and Comments in the Rules of Professional Conduct were contributed by:
- the Courts
 - the New York State Bar Association
 - representatives of both.

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