

Receive one-half hour of CLE credit in Ethics and Professionalism by reading the April 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 Standards of Civility adopted by the Courts were in response to the recommendations of:
  - the Krane Committee*
  - the Craco Committee*
  - the MacCrate Committee.*
2. The Standards of Civility were:
  - binding only upon lawyers in litigation*
  - binding upon all lawyers*
  - official but non-binding.*
3. Roy Simon likened the Standards of Civility to:
  - The Ten Commandments*
  - Hallmark greeting cards*
  - The Napoleonic Code.*
4. The New York CLE Rules require that all senior lawyers complete in every registration cycle:
  - five hours of training in Civility*
  - four hours of training in Ethics*
  - six hours of training in legal research.*
5. The 1998 rules governing Frivolous Litigation Conduct:
  - confirmed existing sanctions*
  - raised sanctions to \$10,000 per occurrence*
  - permitted judges to impose sanctions in any amount.*
6. To discourage frivolous litigation conduct, the 1998 rules require a lawyer to:
  - confirm in writing that any document submitted to the court is not frivolous*
  - sign every pleading or other paper filed with the court*
  - submit an affidavit before any litigation stating that the pleadings are not frivolous.*
7. The 1998 rules define the word "frivolous" to include:
  - material factual statements that are false*
  - any statement not made in good faith*
  - any statement completely without merit in law or in fact.*
8. Among the changes to the Code adopted by the Courts in 1999 was:
  - dropping imputation to an entire firm of a personal interest conflict by a lawyer*
  - increasing restrictions on business transactions with clients*
  - loosening restrictions on targeted mail solicitation.*
9. New York lawyers were instrumental in defeating an ABA proposal to:
  - permit partnerships between lawyers and nonlawyers*
  - forbid partnerships between lawyers and nonlawyers*
  - prepare a list of professions eligible to form partnerships with lawyers.*
10. The multi-disciplinary rules provide for a list of professions to be maintained by the Appellate Divisions. To this date, the list does not include:
  - CPA's*
  - psychologists*
  - land surveyors.*
11. 22 NYCRR 137.1(b) requires the arbitration of fee disputes in all matters except:
  - representation in criminal matters*
  - claims involving professional malpractice*
  - a claim involving a fee in excess of \$25,000.*
12. Every New York lawyer who agrees to represent a client for a fee in excess of \$3,000 must provide the client with:
  - a certificate of malpractice insurance*
  - a letter of engagement*
  - a formal contract signed by the lawyer and the client.*
13. The document which the lawyer is required to give the client at the outset of representation must contain:
  - an explanation of the scope of legal services to be provided*
  - unless the lawyer is a solo practitioner, a list of the lawyers who will work on the matter*
  - an estimate of the number of hours required in the matter.*

14. ABA Model Rule 1.18, adopted as part of the New York Rules, defines as a prospective client:
- a client who discusses the formation of a lawyer/client relationship though none ensues
  - only a client who subsequently forms a lawyer/client relationship
  - any client to whom a lawyer can direct an advertisement.

15. The New York Courts have rejected two changes adopted by the ABA. One of these would grant lawyers:
- more freedom to practice law in another jurisdiction
  - the right to participate in a litigation in another state without admission pro hac vice
  - the right to represent a local client in another state.

16. The other ABA provision rejected by the New York Courts would enable:
- in-house counsel to provide legal services to his client anywhere in the US
  - lawyers admitted in any state to practice in any other state
  - lawyers admitted in any state to apply for expeditious admission in any other state.

17. The SEC's proposed Standards of Professional Conduct as originally drafted required a lawyer:
- to report evidence of any violation of the securities laws directly to the Commission
  - to make a "noisy withdrawal" if the issuer did not respond appropriately to evidence of a material violation
  - to report a violation of the securities laws directly to the issuer's Board of Directors.

18. The SEC's Standards of Professional Conduct apply:
- to all lawyers
  - lawyers who appear and practice before the SEC in the representation of an issuer
  - any lawyer in a firm which practices before the SEC.

19. A lawyer who has evidence that a material violation has occurred must report the evidence to:
- the issuer's CEO
  - the issuer's Chief Legal Officer
  - the executive judged by the lawyer to be the most scrupulous among the issuer's executives.

20. If the necessary officers fail to give an appropriate response within a reasonable time, the lawyer is required to report the evidence of a violation "up the ladder" to:
- the chairman of the Board of Directors
  - an appropriate committee of the Board or the entire Board
  - the SEC.

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