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1. The NYSBA's Comments were originally written to:
  - explain the Rules released by the Courts
  - accompany the Rules proposed by COSAC
  - anticipate the Rules to be released by the Courts.
2. The June 2011 changes in the NYSBA Comments were necessary because:
  - black-letter provisions of the Rules had not previously been the subject of Comments
  - the Rules were released by the Courts without addressing the Comments proposed by COSAC
  - the Courts did not release their own Comments to the Rules.
3. Among the problems facing COSAC when the Courts released the Rules was:
  - COSAC's Comments clashed in important ways with the Rules released by the Courts
  - the Courts did not advise COSAC whether they would adopt the COSAC Comments
  - the Courts' response to COSAC's proposals was silence.
4. Under Rule 3.3(f)(1), a lawyer who is representing a client before a tribunal and who gives timely notice of his intent to opposing counsel:
  - may chose not to comply with local custom or practice
  - may ignore a local rule of procedure
  - may refuse counsel's request to adjourn a motion.
5. New Comment [14] to Rule 1.2(e) makes it clear that, so long as he does not prejudice the client's rights, a lawyer may exercise his judgment to:
  - settle a client's claim
  - grant opposing counsel's request for adjournment
  - enter a guilty plea in a criminal matter.
6. Under new Comment [15] to Rule 1.2(f), when a lawyer believes a client's conduct is unlawful, though others may consider it lawful, he:
  - may refuse to aid or participate in the conduct
  - must advise the court of his belief
  - must withdraw from the representation under Rule 1.16(c)(13).
7. Comment [16] to Rule 1.2(g) encourages a lawyer to be punctual and to treat everyone with courtesy by referring him to:
  - the tenor and spirit of the Rules of Professional Conduct
  - the New York Standards of Civility, 22 NYCRR, Part 1200, Appendix A
  - those Ethics Opinions of the State Bar dealing with dignity and courtesy.
8. Comment [5] to Rule 1.8 expands on Rule 1.8(b) by permitting a lawyer to use a client's information when:
  - the information has become generally known
  - use of the information does not disadvantage the client
  - other clients can use the information to greater advantage.
9. The Standards of Civility in 22 NYCRR Part 1200 are:
  - guides to the proper conduct of lawyers in litigation
  - not meant to be enforced by sanctions or disciplinary actions
  - mandatory rules requiring compliance.
10. Comment 4(A) to Rule 1.11 was intended to:
  - prevent a client of a former government lawyer from using government information about an adversary
  - apply to former government lawyers the same rules of imputation as to lawyers in private firms
  - explain the screening provisions governing former government lawyers.
11. The "rule of necessity" enunciated in DR 9-103(b)(3) permits a government lawyer to participate in a matter he handled in private practice if:
  - his supervisor believes he is the only lawyer with the necessary skill
  - he is the only lawyer in the office legally available to handle the matter
  - his knowledge of the facts is necessary for a successful outcome.

12. New Comment [9A] acknowledges that informed consent by a government agency:

- is not required to overcome a conflict by a government lawyer when the rule of necessity applies*
- will cure a conflict arising from a government lawyer's work in private practice*
- will cure a conflict only if the disqualified lawyer is timely and effectively screened.*

13. The definition of "law firm" in Rule 1.0(h) confirms that government law offices:

- are law firms in the same way as law firms in private practice*
- are disqualified if the particular circumstances create an appearance of impropriety*
- can avoid imputation of former client conflicts by building a timely and effective screen.*

14. Ethics Opinion #861:

- approved the use in New York of a trade name permitted in another state*
- rejected the use in New York of a trade name approved by another state*
- recommends that the New York courts give full faith & credit to the rules of another state .*

15. Ethics Opinion #869 concluded that the prohibition against trade names required it to reject:

- a firm name reciting the areas of law in which the firm practices*
- a firm name listing a lawyer on sick leave*
- a firm name consisting only of the names of deceased partners.*

16. According to Opinion #869, N.Y. State 740 defines as a trade name:

- a name used to sell the services of a law firm*
- use in a firm name of a name which is not the name of a partner*
- a name used in the firm's domain name.*

17. The term "trade name" is defined in most dictionaries as:

- the name recited in a company's articles of incorporation or its partnership agreement*
- the name under which a firm offers its products or services*
- the name which a firm uses in its advertisements.*

18. The prohibition against trade names in Rule 7.5(b) has caused the Courts to:

- misconstrue the traditional definition of the term "trade name"*
- confuse lawyers*
- impose unnecessary restraints on lawyer advertising.*

19. Lazar Emanuel proposes to reword Rule 7.5(b) to:

- require that a law firm's "trade name" consist only of the names of its living members*
- destroy the perception that trade names are bad*
- confirm that lawful firm names are trade names.*

20. The prohibition against trade names in Rule 7.5(b) is:

- illogical*
- misguided*
- an anachronism.*

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