

Receive one-half hour of CLE credit in Ethics and Professionalism by reading the June 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 charge of the ABA House of Delegates to the Ethics 20/20 Commission was:
  - study the impact of law firm rankings on the legal profession
  - may law firms advertise their ranking relative to other law firms?
  - examine any effort to publish rankings of law firms and law schools.
2. Recognizing that ranking law schools was different from ranking law firms, the ABA:
  - instructed the Commission to continue its examination of law school rankings, but separately
  - created a special committee to study law school rankings
  - invited law school deans to express their opinions on law school rankings.
3. The stated purpose of the original Martindale Directory was:
  - to list every lawyer practicing in the United States
  - to furnish the address of one reliable law firm in every city
  - to rank lawyers in the order of their experience and ability.
4. In *Bates*, the Supreme Court upheld lawyer advertising provided the advertisement was:
  - in conformity with standards approved by a regional bar association
  - truthful and not misleading
  - limited to statements about the education and experience of a lawyer or the lawyers in a firm.
5. The AmLaw 100 Survey ranks law firms by size, revenue and:
  - rankings of law schools attended by the lawyers
  - profits per partner
  - partner/associates ratio
6. Best Lawyers of America relies for its data on:
  - searching court records and newspaper articles
  - conducting peer-review surveys among lawyers
  - live interviews with leading practitioners in each practice specialty.
7. The New Jersey lawyers who contested the use in advertising of lawyer rankings argued:
  - the ads created the impression that the lawyers named were more qualified than other lawyers
  - the rankings were not supported by the data collected
  - some lawyers were not given the opportunity to participate
8. The New Jersey Supreme Court ultimately held that:
  - state bans on truthful fact-based claims in professional advertising are unconstitutional
  - an ad which compares one lawyer to another or to all other lawyers is prohibited
  - New Jersey's Rules of Professional Conduct apply to out-of-state lawyers who advertise in New Jersey.
9. One principle which survived the litigation over lawyer advertising in *Alexander v. Cahill* was:
  - lawyers may advertise bona fide professional ratings so long as they are not false or misleading
  - the rules of the New York courts on lawyer advertising were not unconstitutional and could be enforced
  - all ads which compare the rankings of law firms must state the name of the research firm which compiled the data supporting the rankings.
10. Permission to advertise lawyer rankings was first embodied in:
  - EC 2-11 of the Code of Professional Responsibility
  - Rule 7.1(b)(1) of the Rules of Professional Conduct
  - Comment 13 to Rule 7.1.
11. Rule 7.5(b) shares with DR 2-102(B) a prohibition against practice under:
  - a firm name which contains the name of a lawyer who is not a partner
  - a trade name
  - a firm name which includes the name of a deceased member.

12. Under Rule 7.5(b) a firm name may include the name of a deceased member:

- in the name of a new firm formed by some of the members*
- if the name was included in the name of a predecessor firm in a continuing line of succession*
- for a period of 20 years following the death.*

13. A lawyer is "retired" when:

- he does not practice law in any respect and has no intention to engage in the practice in NY or elsewhere*
- he announces publicly that he is no longer engaged in the practice*
- he certifies that he is retired in accordance with 22 NYCRR § 118.1(g).*

14. A law firm may state that one of its lawyers is on leave of absence if:

- he is representing a single client in an extended litigation*
- he is advising a client of the firm on a continuing matter*
- he is appointed to serve full time on a federal commission.*

15. The designation "of counsel" on a firm's letterhead connotes:

- a partnership between the "of counsel" lawyer and the firm*
- that the lawyer has taken other employment*
- that the lawyer is on leave of absence to a government agency.*

16. Although the use of trade names is prohibited by Rule 7.5(b), the NY Courts have approved use of the name:

- The People's Law Firm*
- Country Lawyer*
- WinBig*

17. A law firm may use a domain name which does not include the names of any lawyer provided:

- every page on the website shows clearly and conspicuously the name of the law firm*
- the website's home page displays in 14 pt type the name, address and phone number of the firm*
- the firm publishes and distributes a disclaimer stating that the domain name is not the firm name.*

18. A law firm may use as its telephone number:

- a domain name, or a moniker, nickname or motto which does not violate the rules for domains*
- only a number assigned to it indiscriminately by its phone company*
- any number.*

19. Under ABA Model Rule 7.1, a firm in private practice may use a trade name as its firm name if the trade name:

- has been used continuously for three or more years*
- does not duplicate or suggest the name of any other firm*
- does not imply a connection with a government agency or a public legal services organization.*

20. Under the Model Rules, a law firm with multi-state offices is required to state:

- the jurisdictional limitations on a lawyer included in the firm's name who is not licensed in the state in which the office is located*
- the address and phone number of each office, and the name of the lawyers practicing in that office*
- the name of the partner managing the office.*

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