

Receive one-half hour of CLE credit in Ethics and Professionalism by reading the Dec. 2010 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. In-house lawyers differ from lawyers in private practice in that:
 - they are trained to work in teams
 - they are more apt to move on to jobs in top corporate management
 - they are limited in the scope of their assignments and thus less attractive to other employers.
2. Requiring an in-house lawyer to take the NY bar exam is not a viable solution because:
 - the NY exam replicates the exam of his state which the in-house lawyer has passed
 - the associated transactions costs would discourage companies from moving lawyers to NY
 - the bar exam does not test the knowledge needed in the lawyer's practice specialty.
3. Admission on motion is not a viable solution for an in-house lawyer because:
 - admission is discretionary with the Appellate Division
 - the lawyer is required to have practiced law in five of the last seven years
 - his application may disclose secrets of his employer to its competitors.
4. A foreign lawyer admitted to practice in NY as a legal consultant may:
 - render advice on an issue of New York law
 - advise his employer on the law of the country in which he is licensed
 - not be employed by anyone except another New York lawyer or law firm.
5. Because NY has no present rule permitting in-house counsel to practice without bar exam or motion:
 - many NY employers hire them and allow them to float under the radar
 - the Bar lacks data on which to base any recommendations to the Courts
 - New York may be encouraging practice by lawyers with disciplinary histories.
6. Under the Rule proposed by the NY Bar Associations, an in-house lawyer would be eligible for registration provided:
 - his work is supervised by a lawyer duly admitted in New York
 - his application for registration is filed within 30 days after the date of employment
 - he is in good standing in a jurisdiction that extends reciprocity to NY lawyers.
7. Under the proposed Rule, registered in-house lawyers are permitted to render legal services only to:
 - law firms with 25 or more lawyers
 - the entity employing them and organizations under common control
 - non-profit organizations authorized to provide pro-bono legal services.
8. Registered in-house lawyers are required to:
 - renew their registration every year
 - report to a senior lawyer duly admitted in New York
 - comply with the Rules of Professional Conduct and the CLE rules governing lawyers admitted in New York.
9. The NYSBA Committee on Membership commented that proposed Part 522 would:
 - further the interests only of in-house counsel and their employers
 - reduce the level of in-house counsel competence by failing to require passage of the Bar Exam
 - encourage in-house counsel to join the NYSBA and increase its membership and influence.
10. In the debate on November 6, COSAC Chair Joe Neuhaus acknowledged the Association's debt to:
 - the late Steve Krane and his contributions to the Krane Committee and to COSAC
 - the members of COSAC
 - the assembled members of the House of Delegates.

<p>11. A speaker at the debate questioned if it would be possible to curtail unregistered in-house counsel without:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>substantial penalties</i> <input type="checkbox"/> <i>requiring all employers to identify their in-house counsel</i> <input type="checkbox"/> <i>a more precise definition of the term “practice of law.”</i> <p>12. Under Part 522, registered in-house counsel would be permitted to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>appear for a client in court</i> <input type="checkbox"/> <i>represent a client in a matrimonial matter</i> <input type="checkbox"/> <i>negotiate a contract for his employer.</i> <p>13. Rule 5.6(a) limits the right of a law firm to offer or enter into an agreement which:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>requires a lawyer to remain with the firm for not less than 2 years</i> <input type="checkbox"/> <i>restricts the right of a lawyer to practice when the relationship between them ends</i> <input type="checkbox"/> <i>prevents a lawyer from moving to a designated list of competitive firms.</i> <p>14. The purpose of Rule 5.6(a) is:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>to promote access by clients to the lawyer of their choice</i> <input type="checkbox"/> <i>to prevent a departing lawyer from soliciting other clients than his own</i> <input type="checkbox"/> <i>to discourage the flight of other lawyers in the firm.</i> <p>15. Rule 5.6(a) has been applied to curtail provisions which:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>restrain a departing lawyer from continuing to serve his own clients</i> <input type="checkbox"/> <i>impose unreasonable geographical restraints upon a departing lawyer</i> <input type="checkbox"/> <i>prevent a departing lawyer from continuing to practice in his legal specialty.</i> 	<p>16. In <i>Cohen v. Lord Day & Lord</i>, the Court of Appeals limited the right of a firm:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>to withhold earned revenues from a departing lawyer</i> <input type="checkbox"/> <i>to prohibit a departing lawyer from offering any services to a designated client of the firm</i> <input type="checkbox"/> <i>to impose an “exit” charge on the fees earned by a departing lawyer.</i> <p>17. A growing minority of states applies Rule 5.6(a) to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>protect the departing partner and his clients</i> <input type="checkbox"/> <i>protect the stability of the firm by permitting financial restrictions on withdrawal</i> <input type="checkbox"/> <i>permit a departing lawyer to solicit firm clients</i> <p>18. Some law firms attempt to penalize a departing partner by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>actively discouraging his clients to leave with him</i> <input type="checkbox"/> <i>creating “compensation committees” with arbitrary authority to fix distributions of profits among partners</i> <input type="checkbox"/> <i>refusing to assign any new duties to him.</i> <p>19. Other firms attempt to discourage departure of a lawyer by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>restricting him from disclosing to a new firm any information identified as detrimental by the firms’ Managing Committees</i> <input type="checkbox"/> <i>placing restrictions on his communications to clients</i> <input type="checkbox"/> <i>subjecting his performance and competence to unreasonable review.</i> <p>20. Ron Minkoff recommends that Rule 5.6(a) be construed so as to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>prevent seemingly neutral employment provisions from being applied by law firms to discourage client choice</i> <input type="checkbox"/> <i>permit lawyers who are constrained from departing to compel arbitration</i> <input type="checkbox"/> <i>prevent a lawyer from departing without adequate notice.</i>
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