

Professional Responsibility Report

The Newsletter for New York Lawyers on Ethics & Professionalism

August 2010

This issue of NYPRR is dedicated to the memory of Steven C. Krane, General Counsel of Proskauer Rose, LLP. Steve served us all in many roles – as law clerk to Chief Judge Judith S. Kaye, as the youngest President of the New York State Bar Association, as Chairman of COSAC, which spearheaded the drive to adoption of the NY Rules of Professional Conduct, as adviser and mentor to many lawyers, as pre-eminent scholar and teacher of legal ethics, and as contributor to NYPRR.

Steve Krane, COSAC, and the Rules of Professional Conduct

BY ROY SIMON

The article is my small attempt to honor the life and work of my friend and colleague, Steven C. Krane. He was the moving force behind the New York Rules of Professional Conduct that took effect in 2009. He virtually willed the new Rules into being. Without his efforts, it would not have happened. How did he do it? This article focuses on Steve's approach to organizing and leading the New York State Bar Association's Committee on Standards of Attorney Conduct ("COSAC") in the enormous project of drafting the proposed rules.

Background: The Krane Committee and the old Code

In 1983, the ABA adopted the Model Rules of Professional Conduct. The Halpern Committee soon recommended that New York adopt a version of the ABA Model Rules, but in 1985 the State Bar House of Delegates rejected that recommendation by a wafer-thin margin. In 1990, the Appellate Divisions accepted the State Bar's recommendation to graft some important Model Rules provisions onto the New York Code, but the Code was still behind the times. In 1995, therefore, the State Bar appointed Steve Krane to Chair a Special Committee to Review the Code of Professional Responsibility. After two years of study, the Krane Committee recommended comprehensive amendments to the Code. Steve did most of the drafting personally, without the help of a Reporter. The House of Delegates approved the report and forwarded it to the Appellate Divisions on March 4, 1997. More than two years later, on June 30, 1999, the Courts approved most of the recommended changes.

Steve held strong opinions, but he was also open-minded. In November of 1999, we were on a program at the Nassau County Bar in honor of Neil Shane to discuss the recent amendments to the Code. In his keynote speech, Steve expressed contempt for the ABA Model Rules. He felt that they were a cold, business-oriented set of rules that lacked the professionalism and aspirational qualities of the New York Code of Professional Responsibility. Within a few years, though, Steve had changed his mind. By 2002, after the ABA Ethics 2000 Commission significantly improved the Model Rules, Steve came to respect the Model Rules. (Around that time, Steve had invited me to be a member of COSAC. I remember his ultra-succinct email invitation: "Wanna join?" That was

The following eulogy was delivered by the Honorable Judith S. Kaye at the service for Steven C. Krane on June 28, 2010.

A Tribute to Steve

BY JUDITH S. KAYE

I've thought of many things I might one day be called upon to do – including unpleasant, distasteful, even odious things. But never could I have contemplated anything so dreadful as a post-mortem tribute to Steve Krane, my former Law Clerk and forever beloved "son": distinguished lawyer, counselor, ethicist, teacher, prolific author and lecturer; loving father, friend, brother, son. Unimaginable.

A tribute at a ceremony honoring his swearing-in as a judge of a great court, or president of another outstanding professional association (like the New York State Bar Association), or winner of yet additional lofty professional recognitions? Absolutely. Surely I expected to have many such occasions to speak publicly about my pride in, and love for, Steve. But a tribute upon his death? Utterly unthinkable.

Steve was life itself – a thousand great ideas, projects, plans on a wide range of subjects, going all at once. He enjoyed chasing storms all over the world – litigation storms, multijurisdictional ethical storms, opera storms, sports storms, storms and tornadoes of every sort. He had so many of them going on, and so many left to pursue.

Moments like this take the mind back – it's just too painful to think of the world without Steve.

Truth be told, I cannot claim to have discovered Steve on my own, back in 1984, when he signed on as Law Clerk to an almost brand new Judge of the Court of Appeals of the State of New York. That was a gift from my late husband, another Steve (Stephen Kaye), another great lawyer with the Proskauer family, whose enthusiastic stamp of approval on a young associate at the firm assured me of a brilliant mind, boundless work ethic and treasured companion for endless delightful hours exploring the cases and corridors of the Court of Appeals.

I remember one immediate visible change after Steve's arrival in Chambers — he opened our dictionary to the word "retriever," which included a small line drawing of such an animal, and remarkably our Chambers dictionary always happened to be open to that page. Steve was persistent! That was a constant reminder, for all of us, of his own cherished golden retriever, Muffie.



Steve Krane was a contributor to NYPRR from 1998 to 2005. We reprint, on pages 10-11 of this issue, an article he wrote in September, 1998. The issue he covered was as critical then as it is today – *When Partners Part: The Ethical Implications of Lawyer Mobility.*

the whole invitation to embark on one of the most interesting and important projects of my career.)

By 2002, only five jurisdictions in the United States still adhered to the old ABA Model Code of Professional Responsibility – New York, Iowa, Nebraska, Ohio, and Oregon. (By 2007, New York was the only state clinging to the Model Code.) Steve thought the time had come for New York to look again at the ABA Model Rules. In October of 2002, he convened a meeting of COSAC (his new name for the Krane Committee) to discuss the possibility of developing the New York Rules of Professional Conduct. Steve listened to everyone's opinions, developed a consensus, and went to work.

Steve organizes COSAC for the Rules project

Steve's first priority was to expand COSAC by inviting new members from all over New York State, and from all types of practice, all with substantial experience in professional responsibility matters. The old Krane Committee had only a dozen members. Five of them (plus Steve) stayed on for this new project, and Steve hand picked 18 new members, bringing COSAC's roster up to 24 members. The group was diverse in terms of geography, gender, age, experience, and practice area.

Next, Steve secured funding to do the project right. During the Krane Committee's review of the Code of Professional Responsibility, Steve did most of the drafting himself. He realized that to conduct a comprehensive review of the Code and simultaneously consider adopting the format and language of the ABA Model Rules, COSAC (like the ABA and the American Law Institute) would need a paid Reporter. Steve secured the necessary funds from the State Bar. I volunteered to serve as Chief Reporter without compensation, and we used the funding to hire three outstanding Associate Reporters – Roger Cramton of Cornell, Steve Wechsler of Syracuse, and Carol Ziegler of Brooklyn – all of whom had written and taught in the legal ethics area for many years.

Then Steve took a step to ensure that COSAC's ultimate work product, which would take a mighty effort by all of these talented and busy people, would not come to naught once it reached the ultimate authority, the Courts. Steve reached out to the Presiding Justices of the four Appellate Departments to see if they were receptive to adapting the ABA Model Rules of Professional Conduct to New York. The Presiding Justices told Steve that it would be a great project and that COSAC should go ahead. Steve spoke at length with Presiding Justice Cardona (P.J. of the Third Department) in February 2003, and he received correspondence from then-Presiding Justice Pigott (of the Fourth Department) to the same effect.

Steve also asked the Appellate Divisions to form a consultative group of disciplinary counsel so that COSAC could get the input from the people charged with enforcing the rules. Steve wanted to avoid proposing rules that disciplinary counsel would find unacceptable, and also thought that disciplinary counsel would have good ideas for changes to the Code. But the Courts refused to appoint a consultative group of disciplinary counsel and even instructed them not to discuss COSAC's work. Steve never understood why mere consultation would have been a problem, but it did not happen.

By March of 2003, Steve had developed a detailed work plan. He divided the ABA Model Rules into three groups of logically related rules. (E.g., Group A contained all of the provisions on confidentiality; Group B included the provisions on conflicts of interest; and Group C included rules on advertising and other business issues.) Then Steve divided each group of rules into three "waves," putting the most controversial rules in the first wave and the least contro-

versial rules in the last wave. Finally, he appointed subcommittees to handle each group of rules, and named an Associate Reporter and an experienced Chair for each subcommittee.

The subcommittees soon got to work, holding in-person organizational meetings followed by two-hour conference calls that were scheduled each week for many months. The subcommittees, aided by the Associate Reporters, developed drafts that were circulated to the full membership of COSAC, which held nine plenary meetings. Most of these meetings were held in New York City (at Steve's firm, Proskauer), but COSAC also held two-day plenary meetings in Rochester and in Albany.

When we debated Rule 3.8, entitled "Special Responsibilities of Prosecutors," Steve especially solicited comments from prosecutors, and COSAC received comments from the New York District Attorney's Association, prosecutors from all four federal districts in New York, and various individual District Attorneys in New York. Then Steve invited state and federal prosecutors (and various criminal defense lawyers) to an all-day meeting of COSAC at Proskauer, and he had COSAC consult with the prosecutors after that meeting before proposing a final version of Rule 3.8 (the version eventually recommended to the Courts).

Once COSAC had developed final language on a group of proposed rules, Steve posted those rules on the NYSBA web site for public comment. Nine different bar groups submitted comments. Steve circulated these comments to COSAC members, who considered every comment carefully and made some changes in response.

On September 30, 2005, after two-and-a-half years of meetings and conference calls, COSAC issued its massive 479-page Report and Recommendations (plus a supplemental volume showing the differences between COSAC's proposals and the ABA Model Rules in redline fashion). Then Steve obtained a scheduling order to present and debate the proposed rules in the House of Delegates, starting with a purely informational session on the proposed rules at the January 2006 Annual Meeting of the New York State Bar Association. In April of 2006, the House decided to adopt the format of the ABA Model Rules. At the next six quarterly meetings, the House of Delegates debated a specific group of rules. In between meetings, COSAC solicited public comment on the draft rules, and received input from seventeen different bar groups (and five individuals).

In the middle of all this, the Courts announced that radically amended Disciplinary Rules governing advertising and solicitation would take effect on February 1, 2007. Steve immediately organized a subcommittee of COSAC to draft Ethical Considerations to interpret and explain the new advertising rules. The proposed ECs were circulated for public comment, and by November of 2007 they were approved by the House of Delegates.

In the end, because of the careful work orchestrated by Steve – and because Steve made sure that every lawyer had an opportunity to comment on COSAC's proposals and made sure that COSAC considered every comment – the House of Delegates approved nearly every one of COSAC's proposed rules. And where a particular proposal encountered opposition or criticism (e.g., the screening proposal in Rule 1.10), Steve worked closely with the critics to understand their concerns and incorporate their ideas. He was never a dictator.

In November of 2007, the House of Delegates gave final approval to the proposed New York Rules of Professional Conduct. Steve then coordinated the proofreading and presentation to ensure that the Presiding Justices would have all of the information they needed to understand and evaluate COSAC's proposals. He also

took an extra step. Instead of just mailing the proposed rules to the Presiding Justices, Steve asked COSAC members in each department to deliver the proposed rules to each Presiding Justice by hand. By early February of 2008, the proposed rules were in the hands of the Courts. The Courts rejected much of COSAC's language, but they did finally usher New York into the era of the New York Rules of Professional Conduct.

Conclusion: Steve Krane was a wonderful leader

I have tried in this article to paint an accurate picture of one aspect of Steve Krane's work for the State Bar that he loved so much. He was a wonderful leader and a tireless worker. He mastered the big picture as well as the small details. He demanded inclusion, transparency, and due process. He was a consensus builder, an organizer, and a brilliant student of legal ethics. And he had the indispensable quality of a great leader: he inspired people to follow him. As the Vice-Chair and Chief Reporter for COSAC, I was able to watch him closely and work with him frequently. I will always be grateful for that opportunity. ■

Roy Simon is the Howard Lichtenstein Distinguished Professor of Legal Ethics at Hofstra University School of Law and annually writes Simon's New York Rules of Professional Conduct Annotated, published by West.

A Tribute to Steve

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And oh what fun we had that memorable year! Steve was far ahead of me in many ways, but a full century ahead technologically, already well into the 21st century. This was mostly a blessing, but I do remember one particular torment, in a case where the Court decided to dismiss a complaint for emotional distress damages against a physician who had negligently caused the death of plaintiff's unborn child. I knew that I could not join the majority, but felt equally that I could not join the proposed lengthy dissent. Torment.

Steve said little to me about the dilemma but wherever I turned in Chambers, he had posted a blank page that had only the case name and the line, "Kaye, J, dissenting," neatly typed across the top. Even in the bathroom. One evening, when I could no longer bear it, I sat down at one of those blank pages and hand-wrote six snappy sentences, my shortest and I think best-ever dissent. (Check it out: 65 NY 2d at 940.) Again, Steve was persistent - and in his own unique way enormously effective in achieving precisely what he thought was the right thing to do. We even had the pleasure, 20 years later, of seeing that majority decision reversed by a unanimous Court of Appeals. Thank you, Steve!

How clever of my husband, who became the ultimate beneficiary of his gift to me when Steve returned to the Proskauer family and, for the next two decades, they together pursued their close professional and personal bond. Maybe the zenith for both of them was when Stephen chaired - with Steve as his right hand — the City Bar Association Ethics Committee, leading them both to a lifelong commitment to the field of professional ethics, raising up the standards of a profession they loved. Steve has pursued that path with vigor and zeal as counselor and advisor to many organizations and individuals, as well as member and chair of several federal and state disciplinary panels, and long-time head of COSAC, the State Bar's enormously productive Committee on Standards of Attorney Conduct.

And talk about torment. For five years during my Chief Judgeship, in all his various capacities, Steve never for a minute let up on me — I still have the bruises and scars — until the New York

State court system finally, in December 2008 (my own declining days as Chief Judge), moved from the 1970 Code of Professional Responsibility to adoption of the Model Rules format. Talk about a century behind. And talk about persistence. Again, thank you, Steve! In his own uniquely wonderful way once again he proved himself tremendously effective in pursuing principles and achieving goals. His leadership role in bringing New York State — indeed the nation — into the modern world of professional ethics simply cannot be overstated.

And high-principled as he was, Steve of course was so much fun to be with, though I have discovered this past week, reminiscing about Steve with friends and colleagues, that I missed some of the wilder moments, in mosh pits (I never before knew what they were!) and other exotic world venues. Would that I had known the full range of opportunities Steve's friendship offered me! Ours were the more sedate, maternal-type, but nonetheless terrific, times together — private dinners, public events, memorable days in Washington for the Burton Awards, which meant so much to him

When my husband died in October 2006, Steve succeeded to his office at Proskauer, accepting the furnishings exactly as they were, most especially the centerpiece of that office — not a desk but instead a large round table, where everyone gathered in egalitarian fashion to conduct their business. But for Steve I think the appeal that was even greater about inheriting that office was inheriting Joan Davis as his secretary — phenomenal Joan Davis — as well as the sofa that stood inconspicuously off the side. Some years earlier, that sofa was the scene not of Steve's labor but of Faith's labor in the long hours before she gave birth to their magnificent daughter, Elizabeth.

Of all Steve's many superb achievements — general counsel to the Proskauer firm, president of this, chair of that; author of this erudite article, formulator of that public-oriented initiative; panel chair of this group and head of that — by far his proudest achievement, his favorite role, was as father first of Elizabeth and then a few years later, of his son, Cameron. No visit with Steve ended without a lengthy update on Elizabeth and Cameron — Hotchkiss, and Harvard, and hockey and theater, and on and on. He so looked forward to having Cameron join him in his passion for chasing storms.

And maybe, just maybe, my favorite photograph of us was taken up in Cooperstown, on June 23, 2001, the day Steve was sworn in as President of the New York State Bar Association.

In that photograph Steve and I are pictured together with Elizabeth and Cameron. The two of them are holding the book on which Steve chose to take his oath of office that day — not the Bible, not even so rare a text as the New York State Budget, but a book called Lockwood's Reversed Cases, an arcane volume of significant reversed cases that Steve discovered during one of his late-night forays deep into the stacks of the library at Court of Appeals Hall in Albany. He even managed to slip a citation to Lockwood's Reversed Cases into one of our opinions! (65 NY 2d at 130.)

But wasn't that the perfect touch for a perfect day — four people bonded together by love and esteem for one another, marking a milestone in personal, family and professional history with an unmistakable touch of Steve's incomparable sense of humor, his scholarship and love of the law, and at the same time a potent reminder of the challenge of reversed cases that in changing times keeps our law relevant and our society just.

Thank you, Steve, for adding so much to our profession, to our world and to our lives. ■

Remarks at Steve Krane Memorial Service

STEPHEN P. YOUNGER

It is so hard to say goodbye to a friend...to a partner... to a son...to a dad. But it is far, far harder to say goodbye to someone who was taken from us too soon. We all have so many different emotions today – shock, sadness, fear, and even anger at how unfair this all is.

Although it is hard for all of you, Steve would want us to remember the good times – the fun – the many triumphs of his life – and try to move past our present emotions. In this spirit, permit me to share a few memories of Steve.

We first got to know each other over 25 years ago. We were both young law clerks on the NY Court of Appeals. We shared so many late nights in the Stack – before Lexis & Westlaw – and so many good times together. Back then, we all thought we knew much more than we did. In fact, Steve actually did know a lot more than his age would indicate.

Steve had been launched on his journey by his mentor and later law partner, Stephen Kaye. He was then serving for a newly appointed Associate Judge, the Honorable Judith S. Kaye. And so began a lifelong friendship and mentorship between Steve and the Kayes – who became a second family to Steve.

But also so began a lifelong friendship and partnership between Steve and me. We all knew from the first moment we met him that Steve was a very special person.

He had that enormous intellect that analyzed every case down to the finest point. He had that instant recall that could draw out the last detail of a voluminous record on appeal. He remembered more than the rest of us had forgotten. He had that bigger than life personality that was so captivating. He was the true Renaissance man with commanding knowledge of so many fields.

And he had that razor sharp wit that kept us all entertained—and that never permitted him to take himself too seriously. We all knew then that Steve was going places.

But little did we know that he would go on to be the youngest State Bar President in New York History. Little did we know that he would become a true giant in the world of legal ethics.

Steve loved the law. Steve was truly a Lawyer's Lawyer. And, he loved the field of legal ethics. Whenever an Ethics issue came up, Steve could recite not just the pertinent subsection of the rules, not just the leading NY case, but also the minority view on that issue in Tennessee, or the dicta in a DC Bar Opinion that called the whole analysis into question.

This is why so many lawyers turned to Steve for important advice – and we know we Lawyers are the toughest of clients.

Oh, how Steve loved the Bar Association. He threw himself into every bar activity he could find. There was hardly a committee he didn't serve on—his appetite for Bar work was endless. From the very first time Steve set foot at our State Bar Center – as a new committee chair – to give a report to our Executive Committee – he knew he was making new friends. In his first State Bar President's message, Steve called this a case of finding "A long-lost family." As we all know, his love for the Bar Association would lead him to become the Association's 104th President – a role he called "Leading Our Family" of Lawyers.

During Steve's tenure, he worked tirelessly to promote volunteerism among lawyers.

Traveling around the globe to address our members, Steve would fondly quote Winston Churchill's words: "We make a living by what we get. We make a life by what we give."

For example, he set up a committee to consider offering loan assistance to public interest lawyers, who often graduate \$100,000 in debt. The New York Bar Foundation will support his program with our memorial gifts in a new fund dedicated to Steve's name.

In the aftermath of the horrific events of September 11th, Steve's spirit of giving was so critical to our association – indeed to the world. Under Steve's incredible leadership, the State Bar joined with the Governor and the Chief Judge to assist the thousands of people affected by the terrorist attacks. Steve created a toll-free number for victims seeking answers to law-related questions and for clients seeking information about attorneys who worked near ground zero. And Steve rallied the state bar to help lawyers who had been displaced from their offices.

Steve frequently shared how etched in his mind were the faces of numerous attorneys who stood on line to offer their pro bono help to 9/11 victims, and who gave so unselfishly during one of our nation's darkest hours. As Steve said back in 2001: "It is a time to be proud"—of lawyers everywhere who came forward to help in the true spirit of Pro Bono and volunteerism.

And he closed by saying "we have the power as a profession to make this world a far better place." That was the optimism in Steve. Serving as State Bar President was a legacy that Steve always treasured. And, quite a legacy it was.

Steve was also a pioneer in the field of legal ethics. He chaired our committees on legal fee regulation, on cross-border legal practice and on multi-disciplinary practice.

And for many years, he chaired our Committee on Standards

of Attorney Conduct that helped bring New York's Ethics Rules into the modern era.

Of course, when he presented the revised rules to our HOD, he had to wear his favorite Red Sox hat.

As a member of the ABA's Board of Governors, Steve recently prompted an on-going study called Ethics 20/20, which is looking at how our Ethics Rules need to adjust to our global, technological world. Just last year, Governor David Paterson tapped Steve to serve on the Commission on Public Integrity. With confidence in our government institutions at an all-time low, who better to call on than Steve to help restore trust in the Pillars of our Democracy?

Steve was always quite willing to share his extensive knowledge with others. He taught Professional Responsibility at Columbia Law School and gave countless lectures on Ethics issues. As David [Lewis] mentioned, Steve loved to mentor young lawyers.

Steve had wonderful mentors—but he paid his debt back many times over. There are so many amazing lawyers who got their start working under Steve's inspiration. Steve's willingness to serve others is something we will always cherish.

For Steve, one of his crowning accomplishments was being listed by the Commission on Judicial Nominations as one of the recommended candidates for Chief Judge of NY – most importantly for him, at the time of his beloved Judge Kaye's final re-appointment to the bench. I had the honor of announcing this accomplishment to Steve. I know how much it meant to him to be on the same stage as his life's mentor, Chief Judge Kaye.

But his wit showed thru as always. I will never forget Steve's retort. "Tell Judge Kaye the campaign begins now – and I can't wait to beat her out for this treasured seat on the Court of Appeals!"

We all have touching memories of Steve that we will keep forever – the leisurely lunches "catching up", debating the latest political campaign, his stories of chasing tornadoes, our rivalry over our favorite baseball teams, or most importantly crowing about the successes of our kids. And, we all know how proud Steve was of his children.

So, Faith, Liz and Cam: On behalf of the over 77,000 members of the NYS Bar Association, I want you to know that each and every one of us is here for you—with all of our love, our support and our care.

Just as Steve has always been there for all of us. ■

Stephen P. Younger is the 113th President of the New York State Bar Association. He is a Partner of Patterson Belknap Webb & Tyler, LLP.

Steve Krane – My Mentor

DAVID LEWIS

Good morning. My name is David Lewis, and on behalf of the Krane family –

Steve's wife, Faith; their children, Cam and Liz; Steve's Dad, Harry; and Steve's sister, Marjorie – I would like to welcome everyone, and thank each of you for being here this morning.

Today, we come together to mourn the loss of a truly unique and special individual, Steven C. Krane. We also come together to celebrate Steve's life and his accomplishments. And, of course, we are here to give thanks for our good fortune in having had Steve grace our lives with his friendship and his love.

Everyone in this room is aware that in his work as a lawyer, Steve's contributions to the field of Legal Ethics were numerous and enduring. And, as other speakers this morning will attest, Steve's impact on the entire legal community was both significant and far-reaching.

Not long after the tragic news about Steve began to reach his widespread network of friends and colleagues, messages of sorrow and admiration began to arrive from around the world. But despite his remarkable accomplishments and prominence as a lawyer, if you were to have asked Steve about his most significant and important legacy, he would not have mentioned his legal work at all.

I know this from a talk we had when Steve learned that I was about to become a new parent. Steve told me that his true legacy would be his children, Cam and Liz, whom he loved dearly and was so proud of. As a friend and mentor, Steve was urging me to look at life and my child in the same way. I hope this brings a measure of comfort to you, Cam and Liz, and to the rest of your family. And, I hope that the presence of such a large group of your Dad's many friends and admirers – who share your loss – will also bring you comfort.

This morning we will hear from six other speakers, Steve's family and friends, who will share their remembrances of Steve and their thoughts on this sad occasion.

Steve's Father Harry; Steve's Sister Marjorie; The Hon. Judith Kaye; Allen Fagin, the Chairman of Proskauer; Betsy Plevan, a member of Proskauer's Executive Committee; and Stephen Younger, President of the New York State Bar Association.

I would like to take a moment to tell you how I felt about Steve and how I will remember him. Steve was my boss at Proskauer, and I spent most of my waking moments working with him and learning from him. He was very fortunate to have had wonderful mentors who helped to guide him throughout his career. As a result, Steve believed it was important for him to "pay it forward" by being a mentor to a number of younger lawyers.

I was fortunate to be one of those lawyers, and I can attest to the fact that Steve was both a patient teacher and wise guide. Over time, Steve also became my good friend. And as Steve's friend, I learned that he had a diverse set of outside interests. The most memorable of these was Steve's passion for chasing tornados wherever they might appear. Essentially this meant that when everyone else was fleeing from "Tornado Alley" ahead of an approaching storm, Steve was headed the opposite way, going directly toward the tornado.

I never had the guts to follow Steve on one of his tornado chasing expeditions. But happily, I did share in one of Steve's other passions - the Boston Red Sox. One beautiful spring some years ago, Steve and I attended Opening Day at Fenway Park. My memories of Steve on that day will always stay with me. Perhaps that's because it was such a pleasure being with Steve on that warm, sunny spring day, when he was obviously happy to be doing something that he so thoroughly enjoyed.

Or, perhaps it's because being together that day reminded me that Steve was more than my boss and my mentor - he was my friend. On that first game of the season, the two of us sat together a few rows behind the Red Sox dugout. Steve Krane, the renowned legal ethics expert, was wearing his #18 "Dice-K" Matsuzaka Red Sox T-shirt and his matching Red Sox baseball cap.

Steve was extremely passionate about his team. When the Red Sox scored, Steve was elated. When the opposing team scored, Steve was... let's call it - "disappointed." On that day, I learned that my practice of leaving a game early "to beat the traffic" when the outcome was no longer in doubt, was never an option with Steve. Steve always insisted that despite the score, we stay to enjoy the entire game.

For nine innings that day, Steve meticulously scored every play in his own program as if that program was going to become the official account of the game for Major League Baseball. Not surprisingly, Steve was not simply a passionate Red Sox fan; he was also an extremely knowledgeable baseball fan. So, when the umpire made the wrong call on a close play, Steve was only too happy to advise the umpire of his mistake. And then Steve explained to me exactly why the umpire's call was not in accordance with the "Rules" of baseball. And the "Rules," my friend Steve did not have to remind me, were always his special province.

I will miss my friend Steve more than I can say. But, whenever I see the Red Sox playing at Fenway, I will think of Steve and how much we enjoyed that warm, sunny spring day together in Boston. I know that will make me feel a little bit better about the terrible loss we have all suffered. ■

David A. Lewis served as Steve Krane's #2 in the Office of General Counsel at Proskauer Rose. On Aug. 16, David will take on a new role as Partner and General Counsel at Steve's long-time client, Kasowitz, Benson, Torres & Friedman LLP. David will always be grateful to his colleagues at Proskauer, especially for the privilege of working with Steve. David will take with him the lessons and values learned from Steve.

Remembering a Cherished Mentor And His Skills at Mentoring

BY JEREMY R. FEINBERG

The national ethics community, and particularly ethicists in New York State, lost a trusted friend and ally, and a devoted contributor, with the sudden passing of Steve Krane. Others can, and will, write about his legacy and accomplishments in pushing for change and growth in ethics rules and professionally responsible practice around the country. I would, instead, like to focus on just one narrow facet of what Steve brought to the legal profession. He served as a model mentor, not only in selecting so many young lawyers to nurture and help start their careers, but also in how he did it. Steve was not only a great mentor to me - he is the person I credit for having hooked me on mentoring by showing me (and many others) how it should be done.

Mentoring is, of course, a core component of attorney professionalism. But it is something that we need to hold onto and continue to do right. One prominent bar leader has noted that although thirty-year olds on Wall Street may train twenty-year olds in how to trade and execute strategy on the floor of the Exchange, lawyers can count on one generation's passing its wisdom and legacies onto the next. Robert J. Giuffra, Jr., *On Mentoring And Our Profession*, Federal Bar Council, February 2009 (available at www.federalbarcouncil.org/support/FBC-presidentsletter.pdf) (last viewed July 4, 2010). In a legal world driven by cost-cutting, bottom-line billing practices, and immense pressure, there seems to be an increasing risk that good mentoring will be left on the sidelines in favor of more immediately profitable interactions between lawyers.

Giuffra posits, and I agree, that "[s]enior lawyers owe a duty to mentor their younger colleagues, to teach by example, to pass on the lessons they have learned, and to provide guidance and support." *Id.* Steve Krane did all of these things, for many lawyers, in ways that can be instructive to us all. In the hope that they may help a future generation of mentors and mentees, I describe some of these things in this article.

1. Let your mentees get to know you as a person, not just as a professional.

Relationships between mentors and mentees are largely based on trust and shared interests. One of the best ways to deepen, and hasten, the formation of those bonds, is to have things to talk about other than work. It is not necessary for mentor and mentee to match all across the board and share identical interests. As friendly as Steve and I were, I was not likely to follow him storm-chasing across America's central states, or (horrors!) to root for the Red Sox. But I am confi-

dent that I, and many of Steve's other mentees, had a much easier time relating to and with him as a mentor precisely because we knew about his interests. As a mentee, I greatly relished the opportunity this past May to introduce Steve to an actor who played a prominent role on "The Sopranos." Watching them interact (particularly when he described a certain exception to Rule 1.18 as the "Tony Soprano Rule"), I felt that I had given a big "thank you" to Steve for all of the ways he had helped me over the years.

Of course, Steve also set a good example by enjoying the opportunity to learn about his mentees' interests, even if they were passions he could not easily relate to or was unlikely to experience himself. As Steve knew well, when lawyers have common ground to share and discuss, it can certainly ease the tensions of a high-pressure law office, and it significantly increases the likelihood that both mentor and mentee will learn more from each other, and perhaps become friends in the process.

2. Recognize that mentees will make mistakes and use them as both teaching moments and opportunities to reassure and comfort.

It is not news to suggest that mistakes happen in the legal profession. Mentees understandably look to their mentors first, rather than to other attorneys or authority figures in attempting to address their errors. A good mentor knows not to brush off these cries for help (on the theory that he/she should focus solely on the "big picture" in a lawyer's career.) And a good mentor also knows to do more than quickly apply a "band aid" to the mentee's problem. Instead, a true mentor will strike a careful balance between providing healthy perspective and reassurance that the mentee hasn't destroyed all hope of a long and lucrative career, and will use the error as a chance to provide memorable and far-reaching guidance to the mentee.

Steve understood the importance of this balance – most likely because he had such great mentors himself in Chief Judge Kaye and her late husband, Stephen Rackow Kaye. Young lawyers under Steve's tutelage will remember his constant question whenever we made a mistake: "did you lose the case because of what you did?" Inevitably the answer was "no," and he would very persuasively remind us that that alone was reason not to worry so much. Then, and only then, would he sit down with his mentees and go through what we had done wrong, how we might have handled it differently, and what we could do to "fix" the "horrendous error." At that point, we were more likely to laugh at ourselves (with him joining in) than to continue fretting about what had gone wrong. There are, of course, other ways to get the same message across and achieve the same result. But Steve was one mentor who got it right, consistently.

3. Empathize to mentees when they are distressed by how hard law is.

If anxiety about past mistakes is the most common reason mentees seek out their mentors, worries about how hard it is to be a lawyer are a close second. To the mentee, when demands of the job grow and/or the level of success falls below expectations, it may feel as though walls are closing in or that setbacks are much larger than they actually are. This is, more than anything, a time when a good mentor will be a good listener too, providing empathy and a measure of self-confidence and support for the mentee.

I remember one particular assignment very early in my career, when I was asked to research several very complex issues in a mammoth sports litigation. The client was counting on us to identify viable defenses to a complaint that looked like it might otherwise survive a motion to dismiss, and the time to do so was running out. As many young lawyers might have, I felt the weight of the world on my shoulders and it was hampering my performance. Until I spoke to Steve. After I told him how I was feeling and my concerns that I might be about to let the client down, he heard me out and gently refocused me on the problem at hand. He reminded me that I had a "pretty good brain in my head" that had gotten me through college and law school, a position in a great firm, and a (coveted) spot on a defense team for a top client. To him, that was evidence that I was in great shape and had nothing to worry about, as long as I "stop worrying and start using that brain." His approach may have been uniquely "Steve," but he empathized with my distress and helped turn it around into something productive.

When a mentee is faced with a truly tough situation, a mentor can make all the difference in the world by simply being there. At another point in my career, I was faced with a situation all lawyers dread: giving advice that the client harshly and rudely rejected. My colleagues, rather than choosing to support me and my advice or even defuse the matter, instead "piled on" and made the situation far worse. Although not involved in the matter at all and busy with his own work, Steve sat in my office with me for an hour afterwards. That hour wasn't spent figuring out what to do next or how to "fix" the situation. It was simply making sure I was ok, listening to me vent, and interjecting the type of witty comment he was famous for, to help lighten the moment and my mood. Steve knew that sometimes mentees don't need mentors to "fight their battles for them" or to tell them what to do to solve a problem. Sometimes, just providing support on a very basic human level is all that's necessary. A good mentor can tell when those times are at hand.

4. Create opportunities for mentees, in and out of the office.

Mentors are helpful to mentees not only for their wisdom and experience, but also for their bird's-eye view of the legal landscape both in and out of the office. Senior lawyers, of course, tend to talk to each other about the qualities of those they have worked with within the junior ranks. A former law clerk may also talk to his/her judge about junior lawyers who might serve as great law clerks in the future. This is something Steve did, repeatedly, connecting young lawyers he was mentoring with Chief Judge Kaye as strong candidates to serve as her clerks.

Telling others about a mentee's skills and abilities and opening doors for new professional opportunities is an invaluable service that mentors can provide. Young professionals often lack the self-confidence or resources to advocate for themselves in this way. Law students, facing our nation's current economy, are in most desperate need of this type of pathfinding. The introductions need not be blunt and direct. One of the most memorable opportunities Steve presented to me was a simple call from a conference room, with instructions to come upstairs and see him. Why did he invite me to that conference? He had with him all of the lawyers and law professors involved in COSAC for one of that group's many meetings. What could be better for a young aspiring professional responsibility practitioner than an introduction to such a talented collection of ethicists all at once?

It is also crucial for mentors to take the time and expend the effort to write thoughtful letters of reference and recommendation for their mentees. As any employer conducting interviews can attest, a reference that speaks at length about how well the writer knows the applicant and about how the applicant has learned and grown and developed, is far more valuable than one that simply says that the applicant has done a good job and is capable of continuing to do so. Who better to write such a letter than a mentor?

Of course, providing opportunities for growth in the office is important, too. There are many ways that mentors can do this – creating shadowing opportunities within the mentor's own practice, monitoring the assignments the mentee has undertaken and intervening with the assigning partner at the appropriate time, or even requesting that the mentee work on a particular matter of the mentor. Steve excelled at finding the right matter, at the right time, for the right mentee. I can, for example, thank him for my very first solo ethics assignment and client – the opportunity to defend a colleague against a disciplinary complaint.

Mentoring, of course, has to be a two-way street. The young lawyer looking for guidance and wisdom must be proactive and diligent in finding a more senior lawyer as a mentor. Not every senior lawyer will be as dedicated as Steve was

in seeking out young lawyers to work with. For the young lawyer in search of a mentor, I can offer three thoughts. First, just because your office has, and prides itself on, a mentoring program, do not assume that a person assigned to you will necessarily be the best fit. The key is for you to find someone who clicks with you, whom you enjoy spending time with and learning from, and who wants to make the effort to make you a better lawyer. Second, do not assume that the ideal mentor for your friend, family member, or officemate, will necessarily be ideal for you. Finally, bear in mind there is nothing wrong with taking the time to develop meaningful relationships with more than one mentor whom you can call upon when the time is ripe. That's good planning and simply helps to diversify the type and quality of wisdom you can call on.

If you are interested in becoming a mentor, or are seeking one, you have good timing. Stephen Younger, the current President of the New York State Bar Association (NYSBA), has made clear that mentoring is very high on his agenda for the coming year. The current Chair of NYSBA's Commercial and Federal Litigation Section, Jonathan Lupkin, has also made mentoring issues a high priority going forward. Visiting NYSBA's website, at www.nysba.org, will undoubtedly provide many opportunities for want-to-be mentors and mentees. (NYSBA's efforts in this regard are in many ways a fitting tribute to Steve as well, given that he served as President of NYSBA himself in 2001-2002).

In closing, I must share with my readers a quote from Winston Churchill that Steve placed on his Facebook profile: "We make a living by what we get, we make a life by what we give." This could easily be every mentor's credo. It is certainly an appropriate way to describe how Steve Krane lived his life, and how he will be remembered. ■

Jeremy R. Feinberg is the Statewide Special Counsel for Ethics for the New York State Unified Court System. He would like to thank his colleague Laura Smith (whom he met because of Steve Krane) for her insight and suggestions that immeasurably improved this article. The views expressed in this article are of the author only, and are not those of the Office of Court Administration or the New York State Unified Court System.

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When Partners Part: The Ethical Implications of Lawyer Mobility

BY STEVEN C. KRANE
September 1998

This article deals with the responsibilities of the partner who leaves and the partners who stay.

It's 11:30 PM on a Friday evening in September. In the airless, mostly dark offices of a thriving, 50-lawyer firm, a voice-mail message is left for a sleeping managing partner: "This is Randy Rainmaker. By this message, I am advising you that I have decided to withdraw from the partnership effective at midnight tonight. I have left in your in-box a stack of authorizations signed earlier this week by 50 of my clients. The letters direct you to turn over all of the clients' files to me so that I can take them to my new offices. You don't have to worry about logistics, because my mover is loading the files on his truck as I speak. I have also left you my new address and telephone number so that you can forward all mail and calls to me starting on Monday morning. That, by the way, is also the address at which you should send the check for the balance in my capital account and the other sums that are due to me under our partnership agreement. I wish you all the best. Goodbye."

This somewhat melodramatic scenario has become all too prevalent in the 1980s and 1990s. Almost daily, we read in the legal press that one partner or another has changed firms and has taken with him or her a substantial portion of the former firm's clientele — and its revenues. Litigation between departing partners and former firms has been an inevitable outgrowth of this trend, and a body of case law and ethics opinions has developed to govern the rights and responsibilities of those who are leaving and those who are left behind. Likewise, to address this increased mobility, law firms have applied their collective creativity to fashion ways of discouraging their rainmakers from leaving. These methods have been generally unsuccessful in New York because of the restrictive attitude the Court of Appeals has taken toward such efforts.

In these articles, I will explore the ethical implications of partner departures from the viewpoints of the partner and the firm the partner leaves behind. I will also discuss ways in which firms have tried to mitigate the effects of otherwise devastating separations, and the methods that might be considered in view of the restrictive governing law in New York.

Ethics Of The Departed

As a general matter, the attorney-client relationship is controlled by the client, who retains exclusive decision-making authority over the representation, including its termination. Unlike the lawyer, whose right to withdraw from a representation is limited under DR 2-110 of the Code of Professional Responsibility, the client has the unfettered right to discharge the lawyer at any time, with or without cause. For this reason, there can be no cause of action against a lawyer for tortious interference with an attorney-client relationship, which is terminable at will.

Clients are thus unqualifiedly free at any time to choose new counsel, subject only to their obligations to pay for work done by the former firm, and to court-imposed restrictions on changes in counsel.¹ Correlatively, those clients are entitled to receive information relating to their choice of counsel and they have a "right to know" that they are free to make a choice.² Thus, a lawyer has an ethical duty to inform clients for whom he or she was performing services, or with whom the lawyer had a professional relationship, in advance of departure, of a decision to change law firms.³ If a lawyer changed firms, and only after arriving at the new firm advised a client for whom the lawyer was providing services that he or she was no longer affiliated with the prior firm, the client could in many cases be prejudiced or damaged.⁴

What a departing lawyer can do with respect to firm clients depends upon the timing of the conduct. From the leading New York case on this issue, *Graubard Mullen Dannett & Horowitz v. Moskovitz* and other authorities, some lines can be drawn and guideposts identified for departing partners:

Pre-Announcement. Lawyers who plan to leave but have not announced their intention to do so can make logistical plans to leave or explore its feasibility, for example,

1 See EC 2-1 ("[I]mportant functions of the legal profession are to educate people to recognize their problems, to facilitate the process of intelligent selection of lawyers, and to assist in making legal services fully available.")

2 N.Y. City 80-65. This assumes that the departing lawyer wants to continue representing the client at the new firm.

3 DR 7-101(A)(3), for example, prohibits lawyers from intentionally prejudicing or damaging a client during the course of their professional relationship.

4 A lawyer may not withdraw from a matter 'until the lawyer has taken steps to the extent reasonably practicable to avoid foreseeable prejudice to the rights of the client, including giving due notice to the client.' DR 2-110(A)(2).

by leasing office space and meeting with lenders, without violating any duties owed to the firm.⁵ However, no solicitation of firm clients is allowed before the attorney advises the firm that he is leaving: “[A]s a matter of principle, preresignation surreptitious ‘solicitation’ of firm clients for a partner’s personal gain ... is actionable. Such conduct exceeds what is necessary to protect the important value of client freedom of choice in legal representation, and thoroughly undermines another important value — the loyalty owed partners (including new partners), which distinguishes partnerships (including law partnerships) from bazaars.” In our example, this principle was clearly violated by Randy Rainmaker, who had obviously conducted serious discussions with 50 clients before notifying her firm that she intended to leave.

This rule, bright-line though it may be, poses significant practical difficulties to partners seeking to change firms. Ordinarily, before a partner announces an intention to leave, he or she will have had exploratory discussions with several potential new firms and serious discussions with at least one potential new firm. These discussions inevitably center around the client base of the partner, and the “portability” of the client’s business. Just as a prudent partner will generally be unwilling to advise the current firm of a planned departure until the “deal” with the new firm has been finalized, the new firm cannot be expected to approve the deal until it has completed its “due diligence” concerning the partner, which will ordinarily include an assessment of the willingness of the clients in question to follow the partner to his or her new location. Undoubtedly, there will be discussions between the departing partner or the new firm, on the one hand, and the clients in question, on the other hand. In those conversations the implicit or explicit message will be clear. Clients will understand that a change of firm is in the offing, and that their willingness to become clients of the new firm is being explored. This process, critical to rational decision-making on both sides of the proposed new affiliation, is arguably prohibited by the *Graubard Mollen* decision. We can expect to see judicial decisions over the next several years that analyze the rights and responsibilities of the affected parties during this pre-announcement dance.

The Lame Duck Period. After the partner has announced an intention to withdraw, but before the physical separation from the firm, both the departing partner and the soon-to-be-former firm are free to contact the affected clients and help them decide whether they should stay or go. In *Graubard Mollen*, the Court observed that “[a]s a

matter of ethics, departing partners have been permitted to inform firm clients with whom they have a prior professional relationship about their impending withdrawal and new practice, and to remind the client of its freedom to retain counsel of its choice. Ideally, such approaches would take place only after notice to the firm of the partner’s plans to leave.” Disputes during this transitional period, often characterized by fierce competition between the departing partner and the former firm for the clients, have focused on exactly what can be said to the targeted clients. As a general rule, the departing partner is permitted to communicate with firm clients so long as (a) the clients are not misled as to their right to choose counsel (or are affirmatively told that they have such a right) and (b) the departing lawyer does not disparage the prior firm in communications with the clients.

Also to be noted is the Court of Appeals’ caution in *Graubard Mollen* that “abandoning the firm on short notice (taking clients and files) would not be consistent with a partner’s fiduciary duties.” Randy Rainmaker’s midnight voice-mail message falls far short of this standard. Many firms have addressed this problem by including in their partnership agreements a requirement that no one may withdraw without giving advance notice (typically 30 or 60 days).

Post-Withdrawal. After the partner has left the firm — legally and physically — the clients of the former firm are fair game. The only restrictions on solicitation of firm clients are those applicable to attorney advertising and solicitation generally. An American Bar Association ethics opinion from 1980, approved by ethics committees in New York, provides a safe harbor for lawyers who communicate in writing to clients of the former firm with whom the lawyer had an active attorney-client relationship immediately before departure regarding open and pending matters for which the lawyer had direct responsibility. The ABA opinion states that it would be unethical for the lawyer to urge a client to sever its existing relationship with the former firm, and that lawyers should make it clear that the client has the right to decide which firm should continue or complete its matters.

The ABA-opinion, issued shortly after attorney advertising and solicitation had been forced upon the profession, is an unduly restrictive vestige of that bygone era. Perhaps most significantly, it does not allow the departed partner to do what any other lawyer could do: solicit clients of the law firm. Thus, while a lawyer who complies with the ABA opinion after departure can be certain to avoid an accusation of unethical conduct, departing partners should not be deluded into thinking that they must comply with the letter of the opinion in order to avoid discipline or liability.

⁵ A recent case discussing the extent to which lawyers may prepare to leave a firm before announcing their intention to depart is *Dowd & Dowd Ltd. v. Gleason*, 181 Ill. 2d 460 (1998).

Guidance For Those Left Behind

The departing partner's former law firm faces fewer ethical problems. (This is generally welcome news for the former firm, which may be far more concerned with surviving the loss of a significant source of legal business.) Foremost is the firm's obligation, parallel to that of the departing partner, to avoid misleading clients into believing that they cannot decide to follow that partner to the new firm. Comments disparaging of the partner must likewise be avoided. The firm must respect the wishes of the client and transfer its files to the new firm, subject to the client's obligation to pay the former firm's fees and subject to any retaining liens that may apply to client property in the former firm's possession.

As for clients who choose to remain with the firm, an orderly transition of matters to other attorneys must be effected. Care must be taken to ensure that the lawyers assigned to take over are competent to do so. If, for example, Randy Rainmaker was the only tax lawyer in the firm, continuing the representation without taking steps to acquire the needed expertise could constitute a violation of DR 6-101(A)(1), which requires lawyers to decline matters they are not competent to handle. Firms can cure this problem in a number of ways, including hiring a lawyer to replace the departed partner or engaging co-counsel, either on a long-term basis or until someone in the firm can fill that role. Lastly, while public announcements of departures are not required, a firm may have to change its letterhead immediately if a name partner leaves, or if the letterhead lists individual partners by name. Otherwise, the public could be misled into believing that the departed partner is still a member of that firm, a problem particularly acute when the departed partner has a strong reputation in her field.

A Word On Conflicts Of Interest

There is a significant body of case law and ethics literature devoted to analyzing the conflicts of interest created when attorneys change firms. While that subject is beyond the scope of this article, the reader should be aware that the New York State Bar Association has proposed, and the Appellate Divisions are currently considering, amending the Code (a) to provide guidance to lawyers who change law firm affiliations and are asked to undertake representations in which the interests of clients of their former firms are implicated and (b) to lift the burden of imputed disqualification for former client representations when the "tainted" lawyer has left the firm. ■

Steven C. Krane is a partner in Proskauer Rose LLP. He is Chair of the NYSBA's Special Committee to Review the Code of Professional Responsibility

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1. The client may terminate his engagement of a lawyer:
 - at will
 - after the matter is concluded
 - according to the terms of the retainer agreement.
2. When terminating an engagement, a client is expected to:
 - give the lawyer written notice of the termination
 - pay for work done by the lawyer
 - explain in writing the basis for his decision.
3. A lawyer has an obligation to advise the client that:
 - he has been designated an equity partner of the firm
 - he has been assigned to different duties at the firm
 - he will leave for another law firm.
4. A departing lawyer may not solicit clients of her firm until she:
 - advises her clients that she is departing
 - has transferred responsibility for her matters to other lawyers in the firm
 - has given notice to the firm that she is leaving.
5. Before he advises his firm that he is departing, a lawyer is permitted to:
 - rent an office for his own use
 - solicit other lawyers in the firm to leave with him
 - prepare a list of all former clients of the firm.
6. In the period following notice of his departure to the firm, a departing lawyer may solicit:
 - all clients of his former firm
 - only those clients with whom he had an attorney/client relationship
 - any client with whom he had contact as a lawyer.
7. The departing lawyer's former law firm must assign to his matters only lawyers:
 - who are familiar with the matter
 - who are competent to handle the matter
 - who have been actively involved in the matter.
8. In 1985, the NYSBA House of Delegates:
 - adopted the ABA's Model Rules
 - rejected the ABA's Model Rules
 - appointed a committee to study the Model Rules.

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| <p>9. In 1999, the Appellate Divisions adopted changes to the Code:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>initiated by them</i> <input type="checkbox"/> <i>to conform it to the Model Rules</i> <input type="checkbox"/> <i>recommended by the Krane Commission.</i> <p>10. Because COSAC needed financial support, Steve Krane:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>appealed for funding to the Courts</i> <input type="checkbox"/> <i>obtained funding from voluntary contributions</i> <input type="checkbox"/> <i>received the funding of the State Bar.</i> <p>11. Steve Krane realized that adoption of the Model Rules would be facilitated by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>notice to and cooperation with the judges of the Appellate Divisions</i> <input type="checkbox"/> <i>the assistance of local bar associations</i> <input type="checkbox"/> <i>an appeal to all lawyers.</i> <p>12. The Appellate Divisions rejected consultation by COSAC with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>the American Bar Association</i> <input type="checkbox"/> <i>any sitting judge</i> <input type="checkbox"/> <i>a group of disciplinary counsel.</i> <p>13. While debating Rule 3.8, (the responsibilities of prosecutors), Steve Krane consulted with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>law school professors of criminal procedure</i> <input type="checkbox"/> <i>many DAs, prosecutors and criminal defense lawyers</i> <input type="checkbox"/> <i>only a committee of defense lawyers.</i> <p>14. Meetings of COSAC were conducted most often at:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>the City Bar building</i> <input type="checkbox"/> <i>the office of Proskauer Rose LLP</i> <input type="checkbox"/> <i>Columbia Law School.</i> | <p>15. The final report by COSAC represented Steve Krane's commitment to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>precision in language</i> <input type="checkbox"/> <i>consider the views of all concerned parties</i> <input type="checkbox"/> <i>adhere as closely as possible to the Model Rules.</i> <p>16. By means of their commitment to mentoring, older lawyers:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>can appraise the abilities of younger lawyers</i> <input type="checkbox"/> <i>pass their wisdom and legacies on to younger lawyers</i> <input type="checkbox"/> <i>enable the firm to grow and prosper.</i> <p>17. As Jeremy Feinberg suggests, a lawyer-mentor should:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>confine his contact with a mentee to professional matters</i> <input type="checkbox"/> <i>encourage a personal relationship by sharing his interests</i> <input type="checkbox"/> <i>limit the relationship to that of instructor and student.</i> <p>18. A good mentor will respond to a mistake by the mentee by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>balancing advice with understanding</i> <input type="checkbox"/> <i>critical analysis of the mistake and its causes</i> <input type="checkbox"/> <i>writing a memorandum for the mentee's personal file.</i> <p>19. A good mentor will help a mentee who is discouraged in his work by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>referring the mentee to the Lawyers Assistance Program</i> <input type="checkbox"/> <i>servicing as a good listener and providing empathy</i> <input type="checkbox"/> <i>assigning the mentee to another mentor.</i> <p>20. A good mentor will encourage his mentee:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>to join in committees of a bar association</i> <input type="checkbox"/> <i>by telling others about the mentee's skills and abilities</i> <input type="checkbox"/> <i>by recognizing and working with the mentee's weaknesses.</i> |
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