

NEW YORK COUNTY LAWYER

The Beat of New York Law

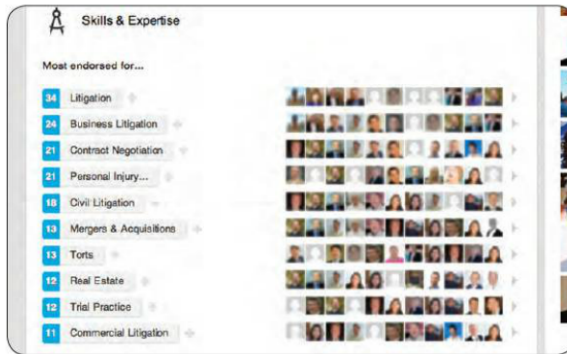
They Endorsed Me For What?

By Alison L. Jacobs, Esq.

LinkedIn endorsements are often a mystery these days. Take any group of legal professionals and surely a few have received an endorsement for a skill they don't have, an area of law they don't practice in, or from someone they don't even know. Some accept the virtual pat on the back and never think about it again; others ignore it, writing it off as a fluke. But what's the best move?

Well, there's no clear answer. Like virtually all other promotional content attorneys put out into the world, there are rules that govern what an attorney may ethically put on his or her social media profile. But as with almost any rule that was written years ago, it is struggling to stay abreast with the current technology.

With more than 250 million registered users, LinkedIn is the world's largest professional social networking website.¹ Users



create their own profiles and can include information about their education, work experience, and skill sets. There are certain sections of one's LinkedIn profile that have had legal ethicists opining, specifi-

cally the "Specialty" section and the "Skills and Expertise" section. These two profile components have been addressed by New York and Florida State bar ethics opinions, among others, and provide some guidance

on the issue of endorsements and LinkedIn ethics. So before we venture into what we don't know, let's start with what we do. The rule:

New York Rules of Professional Conduct ("RPC") Rule 7.4 permits a lawyer to indicate which area of law he or she practices in, or that his or her firm is limited to a particular practice area. The rule prohibits a lawyer from holding himself or herself out as a specialist in a particular area of law, but RPC 7.4(c) provides a specific carve out for patent attorneys and those attorneys who have received a professional certification who include a mandatory disclaimer. The rule further provides that a law firm cannot claim a specialty under any circumstances; the specialty belongs to the lawyer and the lawyer alone.

The New York State Bar Association (NYSBA) Ethics Committee recently wrote opinion 972 which held that RPC 7.4 prohibits an attorney or law firm from { See Endorsed on page 4 }

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Aging Lawyers and Professionalism

By Ronald C. Minkoff, Esq.

They call it the "senior tsunami."¹ It is no secret that the U.S. population is getting older and will continue to do so in increasing numbers. According to one study, the number of adults over 65 in the U.S. will double in 25 years, from approximately 35 million to 70 million, and the proportion of older adults will rise from 13 percent to 20 percent of the population.² And the legal profession is aging along with it. Though studies remain sparse, the statistics from one state (Michigan) showed that the number of lawyers turning 65 each year remained static between 1995 and 2005, but by 2009 (as the Baby Boomers hit retirement age in full force) had nearly doubled, and had continued to increase thereafter.³ This demographic trend is unlikely to abate, given (a) the steady increase between 1970 and 2005 in number of lawyers admitted to practice each year; (2) continued improvements in health care and life expectancy that have expanded lawyers' working lives; (3) the strong desire of senior lawyers to continue to contribute to their firms and to society as a whole; and (4) economic necessity, "which will compel lawyers to continue working because their pensions or savings are insufficient to support themselves and their families."⁴

But it is not just the *number* of aging lawyers that will continue to grow, but the *percentage*. According to a report issued by the New York City Bar Association in November, law school applications have



fallen in each of the past three years, dropping in 2013 by more than 38 percent compared to 2010.⁵ "Across New York's 15 law schools, 1L class sizes are down nearly 20 percent from 2008."⁶ Combined with the drop in law school graduates able to find full-time jobs and the concomitant drop in starting salaries,⁷ this inevitably means fewer lawyers coming into the profession over the next several years, and the public being served by an increasingly older lawyer population.

Even before the National Organization

of Bar Counsel and Association of Professional Responsibility came out with their groundbreaking report on aging lawyers in May 2007, the profession had begun to turn its attention to the issue of aging. By now, the concern is ubiquitous. At a recent meeting of the Coordinating Council of American Bar Association's Center for Professional Responsibility (CPR), virtually every CPR Committee was addressing issues relating to senior lawyers, and the CPR itself had assigned a staff attorney to { See Aging on page 5 }