

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

The words of Chief Judge Hughes in *SEMLER v. OREGON STATE BOARD OF DENTAL EXAMINERS*, 249 U.S. 608, 612 (1912) may well be applied to this question. "...the community is concerned in providing safeguards not only against deception, but against practices which would tend to demoralize the profession by forcing its members into an unseemly rivalry which would enlarge the opportunities of the least scrupulous. What is generally called 'ethics' of the profession is but the consensus of expert opinion as to the necessity of such standards."

For the reasons , above stated, and since in our opinion the proposed action would constitute advertising, which is prohibited under the Canons, the proposed activity would be improper.

Opinion #21 - 12/20/65 (10-65) Topic: Advertising.
Patent Specialization.

Digest: Proper to indicate one's specialization on letterhead where practice is in one of the recognized specialties.

Canon: Former Canon 27

QUESTION

1. May the professional letterhead of an attorney include the following designations thereon, assuming that he is otherwise duly qualified:

"Registered U.S. Patent Attorney"

"Patent, Trademark & Copyright Causes
Domestic & Foreign".

2. Is it ethical for an attorney to date his professional letterhead in the following manner:

"October 6, 1965, In the Year of Our
Independence, the 190th".

OPINION

Canon 27 of the Canons of Professional Ethics of the New York State Bar Association provides in part, that a lawyer may publish in reputable law lists only, certain data including "branches of the profession practiced". There is an implication that to publish such data elsewhere is improper.

Canon 27 of the Canons of Professional Ethics of the American Bar Association provides in part as follows:

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"It is not improper for a lawyer who is admitted to practice as a proctor in admiralty to use that designation on his letterhead or shingle, or for a lawyer who has complied with the statutory requirements of admission to practice before the Patent Office to use the designation 'Patent Attorney' or 'Trademark Attorney' or 'Trademark Lawyer' or any combination of these terms."

While Canon 27, as adopted in New York State, omits the above quoted paragraph, it is nevertheless our opinion that it is not improper for a lawyer who practices in one of the recognized specialities of admiralty, patents, or trademarks, to so indicate on his letterhead.

Question #1 is, therefore, answered in the affirmative as to the designation "Registered U.S. Patent Attorney". However, the use of the words "Patent, Trademark and Copyright Causes Domestic & Foreign", is not a proper designation of recognized specialities and is, therefore, in violation of Canon 27 of the New York State Bar Association.

With respect to Question #2, we find no ethical impropriety in dating letters as suggested, but we feel that it is not in good taste.

Opinion #22 - 5/28/62 (1-66)

Topic: Lawyer-Accountant Relationship.

Modified (by implication)
by #206

Overruled (in part)
by 494

Digest: Lawyer-accountant relationship must be such as to avoid unauthorized practice of law by a lay agency, division of fees for legal services with non-lawyers, or lawyer holding himself out as engaged in dual practice.

Canons: Former Canons 27, 33, 34, 35, 47

The Committee on Professional Ethics of the New York State Bar Association approves A.B.A. Ethics Opinions No. 297 and 305 taken together. The complete text of both opinions is set forth below.

LAWYER-ACCOUNTANT RELATIONSHIP - OPINION NO. 297 of ABA ETHICS COMMITTEE (February 24, 1961)

The Committee is asked to express its opinion on the following questions:

1. When a lawyer becomes a regular employee of a firm of public accountants on a salaried basis, what work can he do in the course of this employment without violating Canons 47 and 35?

2. When a public accountant is a regular employee of a firm of lawyers on a salaried basis and his employment is for the purpose of doing accounting work for the law firm, will the firm of lawyers be engaged in unethical conduct because of such employment?