

**NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion**

Opinion #23 - 2/9/66 (11-65)

Topic: Conflict of Interest.
Part-Time Public Employee.

Digest: Improper for same individual to
serve as both Village Attorney
and Public Defender.

Canon: None

QUESTION

Is it possible for the same person to be Village Attorney
and Public Defender in a Village which maintains a Police
Justice Court and where the Public Defender will be function-
ing in the course of his duties?

OPINION

It would not be proper for the same individual to serve
both as Village Attorney and as Public Defender if his
employment includes the duty of prosecuting.

Opinion #24 - 2/9/66 (13-65)

Topic: Patent Specialization.
Title in Signature.

Digest: No impropriety in corporate patent
attorney indicating his speciality
as a title after his signature.

Canon: Former Canon 27

QUESTION

The Associate Director of the Patent Department of a large inter-
national manufacturing corporation requests the opinion of the Committee
on Professional Ethics as to (a) the use of the following Titles after
the signatures of members of the Department in correspondence:

Patent Attorney

Supervising Patent Attorney

Senior Patent Attorney Senior Trademark Attorney

and (b) whether opinions should be obtained from any other bar associa-
tion or associations.

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OPINION

The practice contemplated by this corporation falls within the purview of Canon 27 relative to Advertising, Direct or Indirect.

In 1951, the American Bar Association amended Canon 27 as applied to proctors in admiralty and patent attorneys to read as follows:

"It is not improper for a lawyer who is admitted to practice as a proctor in admiralty to use that designation on his letter-head or shingle or for a lawyer who has complied with the statutory requirements of admission to practice before the patent office to so use the designation 'patent attorney' or 'patent lawyer' or 'trademark attorney' or 'trademark lawyer' or any combination of those terms."

The New York version of Canon 27 does not contain these exceptions for admiralty and patent lawyers. However, in our opinion, the proposed practice is not violative of this Canon. This is especially true in the case of use of titles by lawyers who work exclusively for the corporate legal department of a corporation where such use does not constitute direct or indirect advertising. In Opinion No. 285 (dated September 4, 1951) the Committee on Professional Ethics and Grievances of the American Bar Association stated "...Of course, in case of counsel employed only by the corporation or association, no question of advertising would be presented...."

We leave the suggestion of requesting an opinion from other bar associations to the discretion of the inquirer.

See Opinion No. 21 - 12/20/65 (10-65) of this Committee.

Opinion #25 - 2/9/66 (15-65)

Topic: Compromise of Prior Client's
Confidences.

Digest: Improper for lawyer to undertake
suit against former client where
client's secrets or confidences
might be divulged.

Canon: Former Canon 6

QUESTION

An attorney who represented a self-insured client in the defense of a claim for personal injuries arising out of the condition of premises is later asked to represent a plaintiff in a second and unrelated accident making claim against the former client. The attorney inquires whether: