

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

no circumstances should the real estate business be conducted in or adjacent to the lawyer's law office if it advertises in any manner; nor in such circumstances (advertising and solicitation of real estate business) may it be conducted in the lawyer's name, but instead would have to be conducted under corporate or other name not including the name of the lawyer. Since the real estate business is so close to the practice of law in many respects, we do not believe that under any circumstances would it be ethical for a lawyer to divide real estate commissions earned as a result of his efforts with a non-lawyer, or to engage in it with a non-lawyer, because of Canons 33 and 34 and, possibly, Canon 47. Also the lawyer would be required, without exception, to refuse to act as a lawyer in connection with a transaction initiated by him as a broker, and he should be most hesitant to act as a lawyer for a person he first had contacts with while acting as a broker. [Emphasis supplied unless otherwise indicated.]

Use of the lawyer's name in the real estate business and having the two firms in the same office space bring the conduct outlined in the question within the condemnation of the above quotation, the contents of which we adopt.

Opinion #27 - 3/1/66 (12-65) <Topic: Legal Research Service.

Digest: Improper to offer legal research service to business corporations or non-lawyers, but no impropriety in offering such service to other lawyers.

Canons: Former Canons 27, 45, 47

QUESTION

Two members of the New York Bar are considering the organization of a corporation by them or their employment by a corporation organized by others which will render legal research service. The service would consist of receiving legal questions submitted by lawyers or business corporations, researching the questions and supplying the customer with the applicable cases and statutory law. They would express no opinion as to the answers to the questions or offer any advice thereon.

They have asked (i) whether they may render this service to or through a corporation and (ii) whether and how they or the corporation may advertise the availability of the service.

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OPINION

This Committee is of the opinion that it would not be professionally improper for the lawyers as individuals, or in partnership, to render the contemplated legal research service to other lawyers. The Committee does not pass on questions of unauthorized practice of law and renders no opinion as to whether Canon 47 of the Canons of Professional Ethics would be violated if the service were offered through a corporation. See Penal Law, Section 280; American Bar Association Committee on Professional Ethics Opinion 273, and The Association of the Bar of the City of New York Opinion 778.

The service may properly be offered to other lawyers in conformance with Canon 45 of the Canons of Professional Ethics (see The Association of the Bar of the City of New York Opinions 851 and 705), but may not properly be rendered or offered to business corporations or other non-lawyers. To do so would be regarded as improper solicitation of legal business in violation of Canon 27 of the Canons of Professional Ethics.

Opinion #28 - 3/10/66 (16-65)    Topic: General Release by Minor Defendant.

Digest: Counsel must determine if it is in best interest of minor defendant to execute a general release to have criminal charges dropped.

Canon: None

QUESTION

1. May defense counsel, representing a minor defendant on a criminal charge, properly and ethically advise the minor defendant and/or his parents to execute and deliver their general releases to the complainant under the following circumstances: (a) The complainant has offered to withdraw or consent to dismissal without prejudice of the criminal charge conditioned upon receipt of such releases; (b) the releases are intended to release the complainant from possible claims for damages without payment of any moneys to the minor and/or the parents; (c) the releases shall be delivered and the criminal charge withdrawn without a compromise order to be made by the Court.

2. Would the situation be different whether or not the defense counsel has been retained to represent the minor in a civil action as well as the criminal case?

3. Is defense counsel subsequently subject to censure in the event that the minor repudiates the releases and sues for damages upon his attaining majority?