

The Committee recommends no modification of the Canon. This Committee believes that the Canon as presently drawn defines that conduct best calculated to advance the interests of justice and public confidence in its administration.

This Committee believes that the appearance of justice may often be as important as justice itself, and that the prohibition called in question is a salutary one, not to be abandoned.

The Committee believes that the canon dictating resignation from judicial office in order to run for non-judicial office, is in the end but an acknowledgement of that course of conduct which would be adopted by the thoughtful lawyers under such circumstances, even if that canon were silent.

This Committee can formulate no better statement of its opinion than is to be found in the words of the canon itself, "If a judge should decide to become a candidate for any office not judicial, he should resign in order that it cannot be said that he is using the power or prestige of his judicial position to promote his candidacy or the success of his party."

Opinion #31 - 6/8/66 (7-66)

Topic: Advertising.
Publication of Biographical Data.

Digest: Improper for lawyer's services to
be touted by Savings and Loan Assn.

Canon: Former Canons 27, 29

QUESTION

The inquirer, an attorney, states that he is Chairman of the Board of a local Savings and Loan Association. The Association has retained public relations counsel and is about to launch an aggressive advertising campaign. As part of the project it plans to feature pencil sketches with accompanying biographical data of its officers and directors. The biographical data accompanying the pencil drawing of inquirer includes his name, a title "Chairman of the Un-Bored" and is as follows:

"He doesn't find much time these days for the skiing and hiking he enjoys so much as leisure-time diversion, but....spends most of his waking hours as an attorney here in...., and most of what used to be his 'leisure' is now devoted to serving as Chairman of the Board of Directors of The...Savings & Loan. Why?will answer, 'The principal purpose of The.... is to help local families save part of their income. Its principal service is helping local families to buy and own their homes. Both of these activities help our community

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grow stronger, and make it an even better place to live and work and raise our children. It's a very gratifying thing to serve on The....Board; working with and for my good neighbors.' The sentiment is representative of all the men who serve as Directors of The...., we think. And that's another reason why we think you'll enjoy saving--and borrowing--at The....: you know you're doing business with people whose interests in.... are the same as yours!"

The question presented is whether this kind of publicity is inappropriate, in poor taste, or in violation of the Canons of Ethics.

OPINION

Canon 27 of the Canons of Professional Ethics states in part that "it is unprofessional to solicit professional employment by circulars, advertisements, through touters or by personal communicators or interviews not warranted by personal relations. Indirect advertisements for professional employment such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged or concerning the manner of their conduct, the magnitude of the interest involved, the importance of the lawyers' position, and all other like self-laudation, offend the traditions and lower the tone of our profession and are reprehensible;***."

Canon 29 provides in part "He [lawyer] should strive at all times to uphold the honor and to maintain the dignity of the profession **."

The Committee is of the opinion that the contemplated advertising release, as set forth above, is in clear violation of Canons 27 and 29 of the Canons of Professional Ethics.

Opinion #32 - 7/8/66 (2-66)

Topic: Sharing Executor's Fees with Partner.

Digest: Partners of law firm may share fees which one partner receives as executor of an estate.

Canon: Former Canon 34

QUESTION

May an attorney-at-law who is a member of a law partnership, which acts as the attorneys for an estate of which the attorney is an Executor, share the commissions received as Executor with his law partners?