

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

- (e) List only the attorney's name, address and telephone number as discussed in paragraph number 3. However, an organizational directory may carry both home and office telephone numbers and addresses and the firm name, if any, but without payment for any such organizational directory listing.

The Committee seeks the continued cooperation of all companies and organizations in enforcing the foregoing requirements, but reminds all lawyers that the primary responsibility for conformity rests with the attorney.

Opinion # 82 - 5/21/68 (3-68)

Topic: Conflict of Interests;
Municipal attorneys.
Digest: Partners or associates
defending criminal matters
in county where one
associate is part-time
assistant district attorney.
Canons: *Former Canons 6, 37*

QUESTION

A salaried associate of a law firm who has no interest in the earnings of the firm has been appointed as a part-time Assistant District Attorney for which he receives a salary in which the firm has no interest. Does this preclude the partners and other associates of the law firm from handling criminal matters pending in the same county?

OPINION

In a closely-related question, we held in Opinion No. 40 - 12/22/66 (20-66) that it was not ethically proper for a lawyer to engage in the defense of traffic cases or minor misdemeanors before Justice's Courts in the same county in which the lawyer's law partner served on a part-time basis as an Assistant District Attorney. In the same Opinion, we pointed out that the relationship between partners and associates of a law firm is so close that no distinction could be made between them with respect to prohibited conflicts irrespective of whether the lawyer served with the firm on a full or part-time basis.

Accordingly, under these same principles, it is the opinion of this Committee that neither the partners nor associates of the firm may engage in criminal practice in the same county where one of the firm associates holds a position as Assistant District Attorney.