

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinion

As we understand the Supreme Court decisions, they are based upon the constitutional guarantees of freedom of speech, assembly and petition. They do not, however, appear to mandate approval of programs lacking adequate safeguards to prevent commercialization, or which fail to assure independence of professional judgment and fidelity in the lawyer-client relationship.

Absent some future modification of the Canons, we adhere to our Opinions No. 53 and 53(a), in which we concluded that it would be improper under Canons 35 and 47 for a lawyer to be employed by a corporation to render legal service to corporate employees. The Supreme Court decisions in our opinion, do not give the right to employers, either corporate or individual, to enter into contracts to provide legal services for their employees or for others, in violation of accepted professional standards or of state law.

Although this Committee does not render opinions on matters of law, we call attention to Section 495 of the Judiciary Law. Inter alia, this Section forbids corporations and voluntary associations from practicing law, or rendering legal services of any kind, or furnishing attorneys or counsel.

Opinion #77 - 6/6/68 (6-68)

*Topic:* Advertising: NOTICE OF  
CHANGE OF OFFICE LOCATION  
*Digest:* ERECTION OF PUBLIC SIGN AT  
SITE OF PROPOSED NEW OFFICE  
BUILDING  
*Canon:* Former Canon 27

QUESTION

An attorney who is required to move from his present office location because of the widening of a street by the State asks whether it is proper for him to erect a sign at the construction site of his new office building. It will recite the firm name and state the office will be relocated there due "to the New York State taking over the present location at.....(address and zip code)."

OPINION

Canon 27 provides that it is "unprofessional to solicit professional employment by -- advertisements" direct or indirect.

Every indirect form of advertising designed to secure professional employment is improper. (Drinker, Legal Ethics 232 and 247.) General announcements of the removal of an office to a new location are discouraged as an appeal to the public for employment. ABA 264 states that announcements should be by card sent only to attorneys, clients and close friends who would consider the news of genuine interest and value. The cards should not go to persons with whom an attorney has no personal dealings or relations, and to whom it would be a suggestion of employment. ABA Inf. 146 is to the same effect.

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ABA Inf. 142A and C447 hold that notice of removal of an office to another building by any other method than the customary use of simple professional cards is improper, that the cards should be sent only to clients or other attorneys, and specifically condemns the use of newspapers advertisements in any but a professional paper.

It is the opinion of the Committee that the proposed sign would be a notice in the nature of an advertisement to the general public of the present location of the attorney's office and the location of the new office. It would not be directed to those with whom the firm has existing personal or professional relationship. It would have the effect of soliciting employment and violate Canon 27.

Opinion #78 - 6/6/68 (8-68)

*Topic:* SOLICITATION; LAW INTERMEDIARIES; CORPORATION FURNISHING LEGAL SERVICE TO CORPORATION EMPLOYEES.

*Digest:* IMPROPER FOR ATTORNEY TO ACCEPT RETAINER FROM CORPORATE CLIENT TO REPRESENT EMPLOYEES IN REAL ESTATE TRANSACTIONS RESULTING FROM CORPORATION PERSONNEL TRANSFERS.

*Canons:* Former Canons 27, 35, 47

QUESTION

Is it professionally proper for a law firm to accept a retainer from a corporate client to represent all employees of the corporation throughout the state in connection with the sale and purchase of employee's homes, whenever such employees move as a result of corporate personnel transfers?

OPINION

In the opinion of the Committee, such employment would be professionally improper, and violative of Canons 27, 35 and 47. See N.Y.State 53, 53(a), and 76.

It would not, however, be inappropriate for the corporation to agree to reimburse its employees for legal expenses incident to moves resulting from corporate personnel transfers. Such reimbursement may not, however, be conditioned on the employee retaining a lawyer selected for him by the employing corporation. (See ABA Inf.469)