

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

Opinion #83 - 7/10/68 (9-68) Topic: ANNOUNCEMENT CARDS
Digest: FORMER ASSOCIATION ON
ANNOUNCEMENT CARD; TO WHOM
MAY CARDS BE MAILED;
PUBLICITY OF OPENING OFFICE.
Canons: Former Canon 27

QUESTION

An attorney is leaving his present partnership and opening his own office in another city. In connection with his announcement cards he has the following questions:

1. Is it proper to indicate on the announcement his present association?
2. Is it proper to send such cards to clients and friends as well as to other attorneys?
3. Is it proper to have an article in a local newspaper indicating the opening of the new office?

OPINION

1. It is ethically proper for an attorney to state his former association on announcement cards, but this statement should be confined to the association presently terminated. (N.Y.City 690.)

2. It is ethically proper for an attorney to send announcement cards to other attorneys, to his own clients, to clients of his old firm for whom he has worked and established a personal professional relationship and to those persons with whom he has ties of blood or of intimate friendship. (ABA 301, ABA Inf. 681; N.Y.City 384; N.Y.County 109, 375.) It is not proper, however, to send such announcement cards to clients of the old firm with whom the attorney had not established such a personal relationship, nor to other than his intimate friends and certainly not to his entire acquaintance. (ABA Inf.107; N.Y.City 467.)

3. It would not be ethically proper to have an article in a local newspaper of general circulation (ABA Inf.140; N.Y.County 311), but it is permissible to have such announcements published in a legal journal. (ABA Inf.141; N.Y.County 375, 431.)

Opinion #84 - 7/12/68 (2-68) Topic: HOUSE COUNSEL
Digest: LEGAL SERVICES TO FRIENDS,
CORPORATE EMPLOYEES, OTHER
CORPORATIONS.
Canons: Former Canons 35, 47

NEW YORK STATE BAR ASSOCIATION
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QUESTION

An attorney who is a full-time house counsel to a corporation employed on a salary basis has inquired as to the ethical limitations on his activities as a lawyer.

OPINION

A full-time house counsel is entitled to render legal services to the corporation without limitation. Also, with the approval of his employer and in the absence of conflicts of interest, he may render legal services to friends and other outside clients provided he is rendering such services as an independent lawyer, is not supplying such services as an employee of the corporation and is not compensated by the corporation for such services.

As regards services rendered to employees of the corporation, the lawyer may, with his employer's approval and in the absence of conflicts of interest, serve them as clients as in the case of outsiders provided he is not paid by the corporation for rendering such services. (See N.Y.State 53 and 53a.)

The inquiring attorney has also asked whether he may render legal services to another corporation with which his employer has a contract for supplying such services. This would violate Canons 35 and 47 which forbid the use of an intermediary for the rendering of legal services. This would not preclude the lawyer from serving the other corporation directly as a separate client for which he would be separately compensated, provided his employer approved and no conflict of interest existed.

The lawyer's relationship with his clients must be direct and personal. His compensation must come from his client and not from an intermediate agency and his services must not be supplied by contract or otherwise as the services of his corporate employer.

Opinion 85 - 7/15/68 (14-68)

Topic: LETTERHEAD, ANNOUNCEMENTS,
PATENT ATTORNEY
Digest: DESIGNATION AS PATENT
ATTORNEY ON LETTERHEAD.
ANNOUNCEMENTS AND THEIR
DISTRIBUTION.
Canons: Former Canons 27, 46

QUESTION

The inquirer is a member of the New York State Bar, an associate in a firm composed of two partners and himself, and is soon to be admitted to practice before the United States Patent Office. The firm is located in the Capital District. He wishes the Committee to advise him as to: