

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinion

Opinion #101(a) - 12/5/69 (27-69)

Harmonizes #101

Topic: Direct communication with  
adverse party

Digest: Lawyer trustee in bank-  
ruptcy may cause orders  
and formal notices to be  
served directly on bank-  
rupt.

Canon: *Former Canon 9*

QUESTION

May a lawyer trustee in bankruptcy cause orders and formal notices to be served directly on bankrupt instead of on bankrupt's attorney alone?

OPINION

The Committee's Opinion #101 held that a lawyer trustee in bankruptcy was a party adverse to the bankrupt and that it was improper for such trustee to bypass the attorney for the bankrupt.

It was not intended by that opinion to hold improper the direct service on the bankrupt of notices, orders of the court or other papers which are required by law or court order, to be served on the bankrupt personally. Copies of all such papers should also be delivered to the attorney for the bankrupt.

Opinion #102 - 5/2/69 (8-69)

Topic: Conflict of Interests

Digest: A Legal Aid Society  
formerly representing a  
wife in a matrimonial is  
now requested to repre-  
sent the husband.

Canon: *Former Canon 6*

QUESTION

May a Legal Aid Society who has been consulted by a wife with regard to a divorce and has been given advice, now be engaged by the husband who wishes to obtain the divorce no longer sought by the wife?

OPINION

The question involves Canon 6 which states in part that:

"The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed."

We understand that in the operation of a Legal Aid Society, it is common for the Society ~~not~~ only to bring an action but also to defend