

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

OPINION

Provided the search organization employee does not engage in the practice of law to any extent whatsoever, it is not improper for him to use on his business card his earned degree or degrees or title derived therefrom indicating his training in the law. DR 2-102(F). If he were to practice law to any extent, his business card could not identify himself as a lawyer. DR 2-102(E).

It is recommended that his card also indicate his position with the search organization so as to negate any possible interpretation that he is a practicing attorney or general counsel to his employer.

Opinion #171 - 11/6/70 (52-70) Topic: Conflict of Interest;
Part-time District Attorney.

Digest: Not proper for a part-time
district attorney to repre-
sent an infant in a juvenile
delinquency proceeding.

Code*: Canon 9
EC 9-2
DR 9-101

QUESTION

May a part-time district attorney who is a partner in a law firm or his partners, represent an infant defendant accused of juvenile delinquency in the Family Court?

OPINION

It is the opinion of the Committee that it would be improper for the part-time district attorney or his partners to represent the infant in a juvenile delinquency proceeding in the Family Court. The juvenile delinquency proceeding in the Family Court is a criminal proceeding. Since the part-time district attorney in fact is the representative of the people on many occasions, his representation of the defendant would give the appearance of impropriety in violation of Canon 9. See also EC 9-2; DR 9-101; Drinker, "Legal Ethics" p. 118 (1953); ABA Inf. 922 (1966); and N.Y. State 130 (1970).

Opinion #172 - 11/6/70 (54-70) Topic: Non-profit Association;
Group Legal Services.

Modified by 416

Digest: Lawyer may not cooperate with
religious association plan to
furnish members legal services
with respect to matters that
are not reasonably related to
the members' relationship with
the religious organization.

NEW YORK STATE BAR ASSOCIATION
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Code*: EC 2-7
DR 2-103(D)

QUESTION

Is it proper for a lawyer to participate in a plan for supplying legal services by a non-profit religious organization to radio listeners in such matters as public investment opportunities, tax and estate planning, information concerning trusts, annuities and wills?

OPINION

This Committee held in N.Y. State 163 (1970) that a labor union may supply free legal services to its members in any area related to the members' employment or their relations with their employers, including workmen's compensation, industrial accidents, arbitration of labor grievances, health and accident claims arising from employment, seniority rights, company housing, etc. However, the Committee further held that such organization should not be permitted to supply such services in domestic relations, estate matters, home purchases and other legal matters having no connection with the union's primary function of representing its members in its dealings with their employers.

Because there is no reasonable relationship between the services of the non-profit religious organization and the legal services contemplated, it would be improper for a lawyer to cooperate with such group legal service activities.

In addition, Wise, Legal Ethics, p. 217 (2d ed. 1970) provides that:

"The lawyer who participates is in danger of violating the prohibitions of the canons against representing inconsistent interests, against solicitation, and against aiding in the unauthorized practice of law by laymen, as well as the proscription against permitting the intervention of laymen between himself and his client.

"It does not matter whether the attorney is an independent practitioner or a full-time employee of the [institution]."

Opinion #173 - 12/11/70 (57-70)

Topic: Part-time Public Defender;
Private Criminal Practice.

Modified by #587 (1987)

Digest: A part-time Public Defender may be privately retained to represent an accused who is not indigent and has not requested the services of the Public Defender's Office if no conflict exists.