

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinions

Opinion #177 - 3/1/71 (66-70)

Topic: Duty of an Attorney to Report Misconduct of Another Attorney to the Proper Authority.

Digest: An attorney should disclose to the proper authorities information of improprieties concerning another lawyer.

Code*: EC 1-4
DR 1-102(A), 1-103(A)

QUESTION

Does the attorney for a beneficiary of an estate have a duty to notify the appropriate authorities that the executor (an attorney) has admitted to certain misconduct in handling the assets of the estate?

OPINION

EC 1-4 states that a lawyer should reveal voluntarily to the proper officials all unprivileged knowledge of conduct of lawyers which he believes clearly to be in violation of the disciplinary rules. The integrity of the profession can only be maintained if misconduct of lawyers is brought to the attention of such authorities. See DR 1-102(A) and DR 1-103(A).

Opinion #178 - 3/1/71 (1-71)

Topic: Withdrawal from Employment.

Digest: An attorney retiring from the practice of law may not withdraw from a litigation without the client's consent except with permission of the Court.

Code*: DR 2-110(A), (B) and (C).

QUESTION

Must an attorney who decides to retire from the practice of law and who represents a party in a litigation seek permission from the Court to withdraw or may he simply return the file to his client and advise the client to engage another attorney?

OPINION

DR 2-110(A) provides as follows with respect to the subject of withdrawal from employment: