



## Committee on Professional Ethics

Opinion #232 - 2/25/72 (5-72)

Topic: Town Justice Partnership  
with Assistant Public  
Defender; Conflicts

Digest: The limitations upon the  
practice of a Town Justice  
prevent his partner from  
being Assistant Public  
Defender

Code\*: EC 9-2; 9-6  
Canons of Judicial Ethics: 31

### QUESTION

May partners hold respectively the offices of town justice and assistant public defender?

### OPINION

It would be incongruous to expect a Town Justice to also be an Assistant Public Defender. The position of Public Defender carries with it the duty to represent indigent defendants in criminal cases and may result in the representation of defendants in the Court of the Town Justice or a Court of higher jurisdiction. Such a criminal practice is prohibited to a Town Justice. N.Y. State 146 (1970); N.Y. State 146 (a) (1970). See also N.Y. State 214 (1971); N.Y. State 228 (1972).

The relations of partners in a law firm are such that neither the firm nor any member or associate thereof may accept any professional employment which any member of the firm cannot properly accept. N.Y. State 203 (1971); EC 9-2; 9-6; Canons of Judicial Ethics 31.

Therefore, partners may not properly hold both the offices of town justice and assistant public defender.

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