



Committee on Professional Ethics

Opinion #299-6/25/73 (25-73) Topic: Lay assistant, credit for work performed

Digest: Proper for attorney to give credit to lay assistant for work performed on brief.

Code: EC 3-6

QUESTION

Where an expert, law student, law clerk or other lay assistant has assisted in the preparation of a brief to be filed with a court for his lawyer employer, may the lawyer give credit for the assistance to the assistant by a notation in the brief?

OPINION

Where the contribution of the non-lawyer assistant in the preparation of a brief has been of particular significance, it is not uncommon to give some recognition to the assistance either in a footnote or in some other appropriate manner particularly in assigned or pro bono publico causes. There is nothing improper in this practice provided the fact that the assistant is a non-lawyer is made clear.

The lawyer, however, must supervise the work and must retain complete professional responsibility for the work product. EC 3-6; ABA 316 (1967); cf. N.Y. State 255 (1972); N.Y. State 261 (1972); N.Y. State 44 (1967).
