

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinion

Anything short of a release of the claim or notification of the defendants would, of course, mean that the client could take advantage of some third lawyer whose identity would not be known, and the claim might be pressed quietly to a fraudulent conclusion.

Canon 37 specifically provides that "the announced intention of a client to commit a crime is not included within the confidences which he (the lawyer) is bound to respect. He may properly make such disclosures as may be necessary to prevent the action to protect those against whom it's threatened".

See Opinion No. 84 New York County Lawyers' Association on the same subject.

See U.S. against Clark, 289 U.S. 1 (53 Supreme Court 465), wherein Judge Cardozo said in part, "There is a privilege protecting communications between attorney and client. The privilege takes flight if the relation is abused. A client who consults an attorney for advice that will serve him in the commission of a fraud will have no help from the law. He must let the truth be told".

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Opinion #15 - 10/25/65 (6-65) Topic: Appearance of Partnership.

Digest: Improper for several attorneys who share a suite of offices to use a firm name and hold themselves out to the public as a partnership when they are not partners.

Canon: None

QUESTION

May several attorneys who share a suite of offices use a firm name and hold themselves out to the public as a partnership when they are not in fact partners?

OPINION

The proposed arrangement would be improper. Canon 33 forbids lawyers to use false, misleading, assumed or trade names. The proposed partnership name would fall under this ban since it falsely suggests the existence of a partnership when there is none and in addition the name would be an assumed or trade name. See Opinion No. 607 of the Committee on Professional Ethics of The Association of the Bar of the City of New York.