

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

Opinion #29(a) - 1/26/67 (6-67) Topic: Impropriety Between Counsel and Bench.
Associate of Part-Time Judge.

Digest: Improper for an associate to appear before Justice of the Peace where other Justice of the Peace is partner in the associate's law firm.

Canon: Judicial Canons 13, 30

QUESTION

In reply to an inquiry, this Committee issued Opinion #29 - 5/20/66 (14-65), which stated it would be ethically improper for an associate in a law firm to appear before a Justice of the Peace in a town where the other Justice of the Peace is a partner of the law firm with which the attorney is associated. The inquirer now calls the Committee's attention to an Informal Opinion of the Attorney General dated January 9, 1940 which concludes that similar acts are not in violation of the law.

Although certain professional acts are not in violation of the law, may the same acts be in violation of the Canons of Professional Ethics?

OPINION

The Informal Opinion of the Attorney General concluded that the proposed representation would not involve any violation of law. This same Opinion also specifically stated that the "propriety of such practice in the same town is certainly open to question". It is this Committee's opinion that although such representation may not violate the law, and we do not pass upon questions of law, it would never the less be ethically improper since not conducive to building public confidence in justice of the peace courts.

Opinion #30 - 5/20/66 (4-66) Topic: Conflict of Interest.
Political Activity of Judges.

Digest: Improper for judge not to resign before becoming a candidate for non-judicial office.

Canon: Judicial Canon 30