

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinion

Under no circumstances may the writer-lawyer answer even anonymously inquiries for advice in newspapers or other publications. Canon 40, ABA 270, ABA Informal 538.

Neither should the writing be in any way self laudatory since this would have the effect of being indirect advertising in violation of Canon 27. (See Drinker on Ethics, p. 264). City Bar opinion 859 states:

"When a lawyer himself writes a book, article or script, the material should not contain statements which praise or emphasize the lawyer's ability or skills, or statements which describe the lawyer in laudatory terms or as having prominent clients or special success in any branch of the law."

The writer-lawyer should also avoid any suggestion of puffing in the biographical material accompanying the article. It should be limited to a short statement that he is a member of the Bar of the State who has written or lectured on legal subjects. (New York County 516).

See also EC 2-5 & DR 2-104(A)(4)

Opinion #90 - 10/7/68 (17-68)

Topic: ESCROW FUNDS  
Digest: DEPOSIT OF CLIENT'S FUNDS  
IN INTEREST-BEARING SAVINGS  
ACCOUNT  
Canon: Former Canon 11

QUESTION

May an attorney who is holding client's funds in escrow deposit those funds in an interest-bearing savings account?

OPINION

This is largely a question of law rather than ethics, and this Committee does not answer questions of law. The lawyer's professional duty is to treat the funds in all respects as the client's property and if any income is realized on the funds, it would, of course, belong to the client. (N.Y.City 181 and 590; ABA Inf. 859.)

Whether it is proper to deposit the funds in an interest-bearing savings account will depend upon the circumstances. In some cases the client may believe he has the right of immediate withdrawal not subject to the notice and waiting period which sometimes applies to savings accounts. In some cases, the right of immediate withdrawal may be immaterial and it would be to the client's advantage to have the funds draw interest. Basically, it is a matter of the attorney's authority. The safest procedure would be to have the client's specific instructions whenever possible.