

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

1. Signs should not ordinarily have lettering in excess of 3 inches in height.
2. Signs with lettering of any size are improper if undignified and not in good taste.
3. A lawyer should not have more than one sign visible from the street.
4. In a rural area, where the office sign is not visible from the road, an additional sign may be placed where visible from the road although away from the building if necessary to aid in locating the already selected lawyers.

<u>Opinion #93 - 12/5/68 (20-68)</u> <u>Overruled by 578</u>	Topic: Labor Unions Digest: Improper for lawyers to join labor union which includes non-lawyer members. Canons: Former Canons 6, 29, 32, 35, 37, 44.
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QUESTION

Is it ethical for attorneys employed full time by an insurance company to affiliate with a Union and have all the rights that Union membership entails?

OPINION

In the case of a Union composed of both lawyers and non-lawyers, it is the opinion of this Committee that it is improper for a lawyer to join the Union. It is not improper, however, for a lawyer employed by an insurance company to join a Union composed entirely of lawyers employed by the same company. See Joint Opinion N.Y. County 376, N.Y. City 687; also ABA Inf. 986 and 917; N.Y. City 870; N.Y. County 554.

<u>Opinion #94 - 12/5/68 (25-68)</u>	Topic: Solicitation of attorneys for contributions to judicial election campaigns. Digest: Solicitation should be by campaign committees and contributions should not be unreasonable in amount. Canons: Former Canons 2, 3 Judicial Canons 28, 30, 32
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QUESTION

1. Is it proper to solicit an attorney for contributions to a political campaign of judges and other elected officials before whom the solicited attorney may have occasion to appear?
2. Is it proper for an attorney to make contributions directly to the political campaign of any judge or other elected official before whom he may have occasion to appear?

OPINION

This committee has no jurisdiction over solicitation of campaign contributions by non-lawyers.

As for solicitation by members of the Bar for contributions to a judge's campaign committee, the precedents appear to be in conflict. Canon 28 of the Canons of Judicial Ethics says that a judge who is nominated and is running for election may make contributions to the campaign funds of the party which has nominated him, and Canon 30 of the Canons of Judicial Ethics admonishes judges to refrain from all conduct which might tend to arouse reasonable suspicion that they are using the power or prestige of their judicial position to promote their candidacy or the success of his party.

Canon 32 of the Canons of Judicial Ethics states that "A judge should not accept any presents or favors from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment." However, ABA No. 226, which considers Canons of Professional Ethics Nos. 2 and 3, and Canons of Judicial Ethics Nos. 30 and 32 holds that an attorney may contribute to the campaign expenses of a candidate for judicial office even though the attorney making the contribution is likely to appear before such judge if elected, provided the expenses are unavoidable and exceed that which the candidate should reasonably be expected to bear personally.

New York County No. 304 holds that "A lawyer may not with propriety make a contribution which has been solicited by a judicial candidate (Canon 28 of the Canons of Judicial Ethics of the American Bar Association); nor under circumstances which might justify the inference that the contribution is a 'device or attempt to gain from a judge personal consideration or favor' (Canon 3 of the Canons of Professional Ethics of the American Bar Association)".

It is the opinion of this committee that solicitation of contributions from lawyers to judicial campaigns should be made by bona fide campaign committees, and that lawyers may make contributions, not unreasonable in amount, to such committees. The same principles should govern contributions for candidates for other offices before whom a lawyer may have occasion to appear.