

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

matters in the name of "The Legal Aid Society of _____", and for the attorneys employed by the Society to have access to the legal files of the Society. Accordingly, the organization is operated and viewed by the public in the nature of a legal partnership.

Accordingly, it is our opinion the principles applicable to present and former partners and associates of law partnership apply to Legal Aid societies and that such societies should not represent conflicting interests.

Opinion #103 - 6/10/69 (3-69)

Topic: Charitable gifts as indirect advertising
Digest: Law firm name may appear on a plaque in a law school where firm makes contribution to law school's building fund.
Canon: Former Canon 27

QUESTION

May a law school recognize law firm donors to a law school building fund by the use of commemorative plaques which would read: "The gift of Smith, Jones, Brown & Robinson, Attorneys at Law"?

OPINION

For many years it has been customary for leading law schools to solicit funds and to recognize in various ways those whose generosity has helped support the school, thereby contributing to improving the quality of legal education. Dignified recognition of donors and contributors to law schools has for many years been sanctioned by custom, as long as the form of recognition has conformed to professional standards and has not appeared to involve possible indirect solicitation of clients in violation of Canon 27.

In our opinion, a simple plaque identifying the donor of a particular facility which is placed on the door or wall of the facility would not be inappropriate, whether the donor is an individual or a law firm. Such a plaque could properly read: "Gift of John Doe" or "Gift of Smith, Jones, Brown & Robinson". In neither case, however, would it be appropriate to include a further identification of the donors as practicing lawyers, as would be the case if the plaque included the words "attorneys at law". Such a designation, by calling attention to the donor's profession would appear to violate Canon 27's prohibition against advertising and indirect solicitation.

Similar principles would apply to any publicity given to contributions by individual lawyers and law firms to legal aid organizations, bar associations, and similar law related organizations and charities. We recognize, however, that public recognition of law firm contributions to non-law related charities may be violative of Canon 27 as involving a form of indirect advertising. See e.g. ABA Inf. 633, which disapproves putting a law firm's name on a plaque in a hospital listing contributors to a hospital capital fund drive. Thus our opinion should not be read as expressing approval of public recognition for law firm contributions made to non-law related charities.

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The propriety of publicity for charitable gifts depends on the absence of circumstances which make the gift a vehicle for possible client solicitation.

Opinion #104 - 6/10/69 (10-68)

Topic: Fees, Lay Forwarder
Digest: Receiving a fee from a
fire adjuster

Canons: Former Canons 28, 34, 35

QUESTION

An attorney has asked whether it is proper for him to receive a fee from a fire adjuster who has requested that he assist in the legal aspects of a claim against an insurance company for a fire loss. We understand that the adjuster's fee will be paid out of the recovery and may be on a contingent basis.

OPINION

Canon 35 provides that "A lawyer's relation to his client should be personal, and the responsibility should be direct to the client." His services should not be directed or controlled by an intermediary. Canon 34 forbids a lawyer to share fees with persons other than lawyers. Canon 28 prohibits the use of intermediaries to direct legal business to the lawyer.

It would be improper for a lawyer to be retained by a fire adjuster and to share the adjuster's fee, irrespective of whether fixed or contingent. However, where the adjuster on his own initiative suggests to the claimant that the lawyer be retained, it would be proper for the lawyer in direct dealings with the claimant as his client to agree that his fee will be paid out of the recovery and be based upon the amount of the recovery, even though such agreement will have the effect of reducing the fee of the adjuster.

Opinion #105 - 6/10/69 (24-68)

Topic: Use of Academic Degrees
Digest: Improper for lawyers to
make professional use of
title "Doctor", or refer
to academic degrees, in
communicating with the
lay public.

Withdrawn by #105(a)

Canon: Former Canon 27

QUESTION

The following questions have been asked relating to the use of the title "Doctor" by a lawyer holding the J.D. (Juris Doctor) or the S.J.D. (Doctor of Science of Law) degrees.

1. May a lawyer holding a doctor's degree use the title "Doctor" in the performance of normal professional duties, or indicate on his letterhead or elsewhere that he holds this degree?