

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

laudation, offend the traditions and lower the tone of our profession and are reprehensible;..."

In Matter of Connelly, 18 A.D.2d 466, 240 N.Y.S.2d. 126 (1st Dept. 1963) the Court stated:

"There can be no justification for the participation and acquiescence by an attorney in the development and publication of an article which, on its face, plainly amounts to a self-interest and unethical presentation of his achievements and capabilities."

This Court further stated:

"...The propriety of a lawyer's conduct...is to be judged on the basis of the nature and wording of the particular article, the occasion for and media of publication, and the nature and extent of his participation in the publication by the furnishing of material therefore, or otherwise..."

And

"What is wrong is for the lawyer to augment by artificial stimulus, the publicity normally resulting from what he does, seeing to it that his successes are broadcast and magnified."

The Code of Professional Responsibility states:

DR 2-101 Publicity in General

(A) A lawyer shall not prepare, cause to be prepared, use, or participate in the use, of any form of public communication that contains professionally self-laudatory statements calculated to attract lay clients; as used herein, "public communication" includes, but is not limited to, communication by means of television, radio, motion picture, newspaper, magazine, or book.

However, within the limits of the canons, a lawyer's consent to the inclusion of his name and his appearance in a group picture in a news story would not be a violation of the canons provided the publicity is incidental to a current news story and the lawyer in no way solicited or promoted the story.

Opinion #120 - 10/30/69 (24-69)

Topic: Billing practices
Digest: Attorney should bill client for whom specific services were performed.

QUESTION

An attorney is retained by a building contractor to obtain a zoning variance. The client had engaged a subcontractor to do part of the work and the subcontractor's agreement provided that he would pay

