

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinions

"Periodic notices might be sent to the client for whom a lawyer has drawn a will, suggesting that it might be wise for the client to reexamine his will to determine whether or not there has been any change in his situation requiring a modification of his will."

An attorney may call the attention of his clients to factors which inure to their benefit in relation to matters regarding which he has been consulted, and the attorney may, in fact, have a duty to do so. EC 2-1, 3 and 4; DR 2-104(A)(1); cf. ABA 213 (1941).

There is no ethical objection to the will review program proposed.

Opinion #189 - 5/27/71 (16-71)

Topic: Attorney as Member of
First Aid Squad.

Digest: Attorney may represent party
to accident which he serves
as member of first aid squad
if he acts with propriety.

Code*: Canon 9

QUESTION

An attorney has been asked to join a volunteer first aid squad equipped with an ambulance. May he so serve and may he thereafter represent a party to an accident concerning which his squad responded to a call?

OPINION

The legal profession is part of the administration of justice, which depends on the public respecting and trusting lawyers and lawyers respecting and trusting each other. A lawyer owes a duty to the bar to maintain the dignity and standards of his profession which bring prestige and public respect to its members. Canon 9 says "a lawyer should avoid even the appearance of professional impropriety."

Participation by a lawyer in a volunteer ambulance service is in the highest traditions of community service, and there is nothing inherently wrong in thereafter representing a party to an accident for which he has rendered such service if he has done nothing to solicit the case.

Unfortunately, for many years the public image of the unethical lawyer, the lawyer without dignity or pride in his profession, has been the "ambulance chaser". If a lawyer represents persons involved in accidents to which he rode the ambulance, there is substantial danger of suspicion on the part of the public and fellow lawyers alike that he used the ambulance service to that end.

In each such case it should be left up to the attorney to act with special caution, conscious of the foregoing considerations. When acting as a member of the first aid squad he should not disclose to persons served the fact that he is a lawyer, and doubts should be resolved against representation.