

How the NYCLA Committee on Professional Ethics Works

BY ROY SIMON

The New York County Lawyers Association Committee on Professional Ethics is one of the oldest bar association ethics committees in the country. The Committee has 29 members, each of whom serves a three-year term that may be renewed. About a dozen members typically attend the Committee's monthly meetings. Its main work is to respond to ethics inquiries from NY attorneys (whether or not they are members of the Association), but the Committee also considers broader issues. The Committee's Secretary recently distributed for discussion and comment a thick packet of pending proposals by the American Bar Association's Ethics 2000' Commission, which is reviewing the ABA's Model Rules of Professional Conduct.

The NYCLA Ethics Committee has published 726 formal written ethics opinions during its long history. Today most inquiries are answered by telephone or by unpublished ("informal") letter opinions. Members are assigned to one-month terms of duty at a telephone hotline, fielding 1-3 calls from lawyers each business day. The member staffing the hotline then discusses the hotline questions and answers at the Committee's next monthly meeting to ensure that the answers are accurate and do not conflict with advice given by other committee members. If an interesting or difficult question is posed to the Committee, the Committee may decide to address it in a formal published opinion.

The Committee's opinions since 1970, starting with Op. 580, are summarized on the NYCLA's web site, www.nycla.org (click on "Publications" then on "Ethics" at the right side of the screen). In the near future, the Association hopes to begin posting the full text of each new opinion as it is published.

Lawyers in need of quick guidance on ethics matters should call the Association at (212) 267-6646, dial "0". The Operator will provide the name and phone number of the Ethics Committee member staffing the ethics hotline. Lawyers desiring a written opinion, which may take two or three months, should address inquiries to the Committee Chair at 14 Vesey Street, NY, NY 10007, or to: Gerard Harper, Esq., Paul Weiss Rifkind Wharton & Garrison, 1285 Avenue of the Americas, New York, NY 10019-6028. Inquiries should concern the inquiring attorney's own proposed future conduct, not his or her past conduct or the conduct of another lawyer. Inquiries should not mention anyone by name except the inquiring attorney.