

## The Full Text of DR 7-104 As Amended

The case of *Gidtex v. Campaniello*, decided by District Court Judge Shira Scheindlin and discussed in this issue of NYPRR by Hal Lieberman and Roy Simon, dealt in part with the provisions of Disciplinary Rule 7-104(A)(1)—the anti-contact rule.

DR 7-104(A) was amended in June 1999 by providing that a lawyer may not communicate with any person (instead of party) she knows to be represented by counsel in a matter without the consent of that person's lawyer.

DR 7-104(B) is a new provision added by the June amendment. It permits a lawyer to cause her client to communicate directly with another lawyer's client after reasonable notice to the other lawyer. The full text of the DR is as follows:

DR 7-104. [22 NYCRR § 1200.35] Communicating with represented and unrepresented persons.

(A) During the course of the representation of a client a lawyer shall not:

1. Communicate or cause another to communicate on the subject of the representation with a person the lawyer knows to be represented by a lawyer in that matter unless the lawyer has the prior consent of the lawyer representing such other person or is authorized by law to do so.
2. Give advice to a person who is not represented by a lawyer, other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of the lawyer's client.
3. Notwithstanding the prohibitions of section (A) of this Part, and unless prohibited by law, a lawyer may cause a client to communicate with a represented person, if that person is legally competent, and counsel the client with respect to those communications, provided the lawyer gives reasonable advance notice to the represented person's counsel that such communications will be taking place.