Guide to Legal Ethics and Professional Responsibility Research

The conduct of attorneys is governed by rules of legal ethics and professional responsibility adopted by each state authority. The American Bar Association adopted the Model Rules of Professional Conduct in 1983. The Model Rules were extensively amended in 2002 with some additional amendments in 2003. Most states have adopted these standards, with modifications. New York has not adopted the Model Rules and instead uses the predecessor Code of Professional Responsibility. In most states, the professional responsibility rules are adopted by the state's highest court. However, in New York, the four Appellate Divisions adopt the disciplinary rules and they are promulgated as joint rules of the Appellate Divisions. The New York State Bar Association recommends changes to the Appellate Division. In New York, the last amendments were in 2002.

In addition, the ABA Standing Committee on Ethics and Professional Responsibility and, in New York, the state bar association and some local bar associations, issue advisory opinions on ethical questions. These opinions interpret the ethics rules.

A. The Model Rules of Professional Conduct:

1. ***Model Rules of Professional Conduct*** Reserve KF305 .A2 2003b
Current edition of the ABA's ethical code, promulgated in 1983 and amended through 2003. Each rule is followed by commentary. There is a subject index and tables showing related sections in the Model Rules and Model Code. It is found online on the ABA's Legal Ethics web pages. Previous editions are found in the library stacks.

Internet Sources

LEXIS: Legal > Area of Law - By Topic > Ethics > Administrative Materials & Regulations

WESTLAW: ABA-MRPC (unannotated)

ABA website: http://www.abanet.org/cpr/mrpc/mrpc_home.html

2. *Annotated Model Rules of Professional Responsibility* *Reserve KF305 .A2 2003*
The annotated edition of the Model Rules includes the full text of the rules and citations to case law, articles and books that interpret them.

Internet Sources

LEXIS: Legal > Area of Law - By Topic > Ethics > Administrative Materials & Regulations

WESTLAW: ABA-AMRPC (annotated)

3. *ABA Model Code of Professional Responsibility*, amended through August 1980
The previous editions of the Model Code are found in the library stacks. The 1980 code is found online on the ABA's Legal Ethics web pages.

Internet Sources

ABA website: http://www.abanet.org/cpr/ethics/mcpr.pdf

4. ***ABA/BNA Lawyers' Manual on Professional Conduct*** Reserve NYUL K24 A22
Looseleaf service divided into four sections: 1) Full unannotated text of the Model Rules and materials indicating how states differ from the ABA rules 2) ABA ethics opinions, summaries of state and local bar opinions 3) Current reports of court opinions, ethics opinions, disciplinary actions (updated weekly) and 4) Practice guides in topical arrangement. Topical bibliographies are available. NYU online access via the BNA portal on the Law Library's Indexes and Databases page.

Internet Sources

BNA: ETHICS; ABA/BNA Lawyers' Manual on Professional Conduct

LEXIS: Legal > Area of Law - By Topic > Ethics > Treatises & Analytical Materials > ABA/BNA Lawyers' Manual On Professional Conduct

WESTLAW: ABA-BNA

B. New York State Code of Professional Responsibility

1. ***Code of Professional Responsibility*** (Note that the Appellate Divisions have not adopted the Ethical Considerations of the Code of Professional Responsibility or the Preamble and Preliminary Statement. The Ethical Considerations, Preamble and Preliminary Statement have been adopted by the New York State Bar Association and do provide guidance in interpreting the Code. The Ethical Considerations are looked to by courts, ethics committees and grievance committees as guidance in interpreting the Disciplinary Rules.

1. McKinney's Consolidated Laws of New York (Book 29 Appendix)
NYUL KA-N7 312 M3

New York Consolidated Laws Service (Volume 19B). NYUL KA-N7 312 D4
Each publisher prints the most up-to-date and authoritative version of the Code, annotating the code with ethics opinions, case law, practice commentary, treatises and law review article citations.

2. ***22 New York Codes, Rules and Regulations, Part 1200*** NYUL KA-N7 4N72
The New York State administrative code includes the Code of Professional Responsibility. Disciplinary procedures are published under the heading "Disciplinary Rules." The code is annotated with case law citations. (Note that the codification uses the numbering system of the Part 1200 section number. The Disciplinary Rules are commonly known by the familiar "DR" numbering system. The "DR" system used by the New York State Bar Association also includes the reference to the official Part 1200 section number.)

Internet Resources

The current code is found in PDF format on the **New York Bar Association**'s website:
http://www.nysba.org/Content/NavigationMenu/Attorney_Resources/Lawyers_Code_of_Professional_Responsibility/LawyersCodeOfProfessionalResponsibility.pdf

LEXIS**:** Legal > Area of Law - By Topic > Ethics > Statutes & Legislative Materials > New York State Bar Association Lawyer's Code of Professional Responsibility

WESTLAW: NY-RULES

Cornell Legal Information Institute: NY Lawyer's Code of Professional Responsibility http://www.law.cornell.edu/ethics/ny/code/ (html)

3*. The New York Code of Professional Responsibility : Opinions, Commentary & Caselaw*. Reserve KFN5076.5 A2 N49
Five volume looseleaf service that contains the Code of Professional Responsibility, includes annotations to ethics opinions, case law, court rules, selected state and federal statutes, treatises and law review articles. New York state and local bar association ethics opinions are included and linked to opinions online via the law library's Julius catalog, at http://www.oceanalaw.com. The online opinions begin in 1912 and are current.

C. Compilations of Rules, Codes and Statutes: National coverage

1. *Regulation of Lawyers, Statutes and Standards*. Reserve KF305.A15 R44
Compilation of ABA Model Codes, selected federal statutes, Restatement of the Law and cross-reference tables for the Canons of Professional Responsibility and the Model Rules. Current edition is found in the reserve collection, prior editions are in the library stacks.

2. Model Rules of Professional Conduct and Other Selected Standards including California and New York Rules on Professional Responsibility. Reserve KF305 A29 M635

3. ***ABA/BNA Lawyers' Manual on Professional Conduct*** Reserve NYUL KA-N7 24 A22

D. Ethics Opinions: American Bar Association

ABA ethics opinions are written by the Standing Committee on Ethics and Professional Responsibility. Those on matters of general interest to a large number of attorneys are Formal Opinions; others are termed Informal Opinions. These ethics opinions are advisory and are not binding on the courts. They are considered persuasive authority. ABA ethics opinions are not available in full text on the ABA website. Print and subscription sources must be used.

1.

1. ABA Formal and Informal Opinions

A. Formal Opinions in print:

1. Formal Opinions 1 to 315 (1924 – 1965)
Opinions of the Committee on Professional Ethics. Reserve KF305 A2 1967

2. Formal Opinions 316-348 (1967-1982)
Formal and Informal Ethics Opinions. Reserve KF305 .A2

3. Formal Opinions 334 to 93-370 (1979 – 1993)
Recent Ethics Opinions. Reserve KF305 A2x

4. Formal Opinions 84-394 – 98-412 (1983-1998)
Formal and informal ethics opinions, 1983-1998 Reserve KF305 A2 2000

5. Formal Opinions 353 to present
ABA/BNA Lawyers' Manual on Professional Conduct Reserve NYUL KA-N7 24 A22

B. Informal Opinions in print:

1. Informal Opinions (before 1969)
Informal Opinions. KF305 A2 1969b

2. Informal Opinions C-230(a) to 1284 (1961-1973)
Informal Ethics Opinions. Reserve KF305 A2 1975

3. Informal Opinions 1286 to 89-1530 (1974 - 1989)
Formal and informal ethics opinions, 1983-1998 Reserve KF305 A2 2000

4. Informal Opinions 1458 to 89-1530 (1980 to 1989)
ABA/BNA Lawyers' Manual on Professional Conduct Reserve NYUL KA-N7 24 A22

C. ABA Formal and Informal Opinions (full text online access)

Formal and Informal ABA ethics opinions are found in online in LEXIS, WESTLAW, and the BNA database. Full text searching is available in each database. Coverage for formal opinions begins in 1924 to present; informal opinion coverage begins in 1961 and goes to the last issued informal opinion in 1989.

Internet Resources

LEXIS: Legal > Area of Law - By Topic > Ethics > Administrative Materials & Regulations > Legal Ethics Opinions > ABA Formal Ethics Opinions
Legal > Area of Law - By Topic > Ethics > Administrative Materials & Regulations > Legal Ethics Opinions > ABA Informal Ethics Opinions

WESTLAW: ABA-ETHOP

BNA: ETHICS ***ABA/BNA Lawyers' Manual on Professional Conduct*** ABA Ethics Opinions (must be used at the law library)

E. Ethics Opinions: New York

Full text of ethics opinions from the New York State Bar Committee on Professional Ethics and local bar associations are collected in print and online. These opinions are advisory and are issued only to attorneys concerning their own proposed conduct, not past conduct or the conduct of another attorney.

1. NY State Bar Association Ethics Opinions in print

1. Formal Opinions before 1970
Formal Opinions NYUL K24 5N395 F6

2. Formal Opinions, 1980 – 1995
Opinions of the Committees on Professional Ethics Reserve KFN5076.5 A2 A97

Links to online version through the Julius online catalog. Opinions from 1912 to present are available. This source must be used in the law library

3. Formal Opinions, 1912-
***The New York Code of Professional Responsibility : Opinions, Commentary & Caselaw*.** Reserve KFN5076.5 A2 N49

Internet Resources

The New York State Bar Association website has full text ethics opinions from 1991 to present online. They are in chronological order and not searchable. A link Loislaw's (http://www.loislaw.com/nysba/) search engine to the ethics opinions is provided.

LEXIS and WESTLAW each have full text New York State Bar Association ethics opinions. Coverage differs slightly in each. WESTLAW combines all New York bar association opinions in one source. LEXIS has the local bar opinions in a separate files.

LEXIS: Legal > Area of Law - By Topic > Ethics > Administrative Materials & Regulations > Legal Ethics Opinions > NY State Bar Assoc Comm on Prof Ethics/State Ethics Comm – Decs
Legal > Area of Law - By Topic > Ethics > Multi-Source Groups > New York State Case Law and Ethics Opinions

WESTLAW: NYETH-EO

2. Local Bar Association Ethics Opinions

The Association of the Bar of the City of New York Opinions, the New York County Lawyers Association, and the Bar Association of Nassau County issue ethics opinions. They are compiled in ***The New York Code of Professional Responsibility : Opinions, Commentary & Caselaw*.** Links to online version through the Julius online catalog. . This source must be used in the law library.

Internet Resources

Association of the Bar of the City of New York opinions from 1986 to present are available on the Association's Ethics page (http://www.abcny.org/Ethics/index.htm).

They are available in full text. No subject indexing or search engine is available.

New York County Lawyers' Association opinions from 1996 to present appear in full text on the Association's Ethics Opinions page (http://www.nycla.org/library/ethics.htm). No subject indexing or search engine is available.

Nassau County Bar Association opinions from 1994 to 2003 are available on the Association's Ethics Opinions page (http://www.nycla.org/library/ethics.htm). Access to an opinion is via an alphabetical arrangement of topic. Clicking on the topic retrieves the opinions.

LEXIS: Legal > Area of Law - By Topic > Ethics > Administrative Materials & Regulations > Legal Ethics Opinions > New York City Bar Assoc Comm on Prof & Judicial Ethics – Decs

WESTLAW: NYETH-EO

F. Case Law:

Legal ethics judicial opinions are found in the West digest system under the topic "Attorney and Client" generally, with subheadings under Disbarment, Discipline, and Licenses among others. *American Law Reports* (ALR) includes annotations on legal ethics and lawyer disciplinary actions.

Internet Resources

LEXIS: Legal > Secondary Legal > American Law Reports
Legal > Area of Law - By Topic > Ethics > NY Ethics Cases

WESTLAW: ALR
NYETH-CS

G. Introductions, Treatises, and Handbooks

1. *Law of Lawyering*. *Reserve KF306 .H33 2001*
This looseleaf publication is arranged in rule number sequence, followed by comments and annotations to case law, treatises, Restatements, and law review articles.

2. *A Legislative History: The Development of the ABA Model Rules of Professional Conduct*, 1982-1998 KF306 .45 1999
Intended as a guide to interpreting the ABA's Model Rules, this book uses committee reports and transcripts of debates to trace the development of the 1998 Model Rules.

3. *Report of the Commission on Evaluation of the Rules of Professional Conduct (Ethics2000 Commission Report)*
The Ethics 2000 Commission was formed in 1997 to review the Model Rules and recommend changes. This report was submitted in 2001. Changes were debated throughout 2001 and 2002. Final changes were adopted in 2003. Further resources about the changes in the Model Rules can be found on the ABA's Legal Ethics web pages.

Internet Resources

ABA: Commission Report: http://www.abanet.org/cpr/e2k-report_home.html

Commission Sources: http://www.abanet.org/cpr/ethics2k.html

4. ***Restatement of the Law: The Law Governing Lawyers*** Reserve KF395 A2 L33T3 2000
Topics include regulation of lawyers, attorney-client relationship, conflict of interest and lawyer liability. Citations to case law, ABA ethics opinions, treatises, and law review articles are found.

Internet Resources

LEXIS: Legal > Secondary Legal > Restatements > Law Governing Lawyers

WESTLAW: REST-LGOVL

5. ***Legal Ethics in a Nutshell*.** Reserve KF306.Z9 R68

6. ***Legal Ethics.*** KF306.Z9 K38 2004

H. Journals :

Cardozo Public Law, Policy and Ethics Journal K3 A6937
Georgetown Journal of Legal Ethics K7 E644
Journal of the Institute for the Study of Legal Ethics KF10 .J816x
Journal of the Legal Profession K10 .O8958
Notre Dame Journal of Law, Ethics & Public Policy K14 .O78x
Professional Lawyer (ABA publication) KF300 A1P76

I. Videos:

Amanda Kumar's case [video recording] KF308.Z9 A58 1998
Dinner at Sharswood's Cafe [video recording] KF306.Z9 D56 1996
Further adventures in legal ethics [videorecording] KF306.A4 G55 1992

J. Additional Website Sources

American Bar Association Center for Professional Responsibility
www.abanet.org/cpr

American Legal Ethics Library. Cornell Legal Information Institute
www.law.cornell.edu/ethics

Legalethics.com (a privately maintained website)
www.legalethics.com

Legal Research Guide: Legal Ethics Virtual Chase, Ballard Spahr Andrews & Ingersoll, LLP