RESEARCH IN PROFESSIONAL RESPONSIBILITY

I. Primary Sources, national and state
II. Secondary Sources
III. Internet Research Sites

Check the library’s “Location Guide” and Summit/Voyager Online Catalog for the current location of the print resources mentioned herein.

PRIMARY SOURCES:

The major primary sources of legal ethics law are codes & rules, ethical opinions and cases.

1. ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY


Includes the ABA Model Code of Professional Responsibility, the ABA Code of Judicial Conduct, the ABA Cannons of Professional Ethics, the ABA Practice Guidelines, Selected Federal Rules...
and Standards, and Selected ABA Formal Ethics opinions.

*ABA Model Code of Professional Responsibility* KF305 .A2 1986

Sets forth the ethical standards of the legal profession. Some states retain a version of the *Model Code*. The *Model Code* includes:

- “Canons” - axiomatic norms expressing standards of conduct
- “Ethical Considerations” - objectives/body of principle for guidance
- “Disciplinary Rules” - mandatory in character & state minimum level of conduct

1. ABA MODEL RULES OF PROFESSIONAL CONDUCT


In 1983, the ABA adopted the *Model Rules of Professional Conduct* to replace the *Model Code of Professional Responsibility*. Significant substantive differences exist between the *Model Rules* and the *Model Code*.

- Many states have adopted some version of the *Model Rules*.
- Serves as another source of ethical standards
- Intended to replace, update & clarify the *Model Code*.


**Online Sources**: ABA Code/Rules

Lexis - Ethics Library and “Professional and Judicial Conduct Codes and Rules” files

Westlaw -  
**ABA-AMRPC** ABA Annotated Model Rules of Professional Conduct

**ABA-RLDE** ABA Model Rules for Lawyer Disciplinary Enforcement

**ABA-BNA** ABA/BNA Lawyers' Manual on Professional Conduct
ABA ETHICS OPINIONS (Formal and Informal)

The ABA's Formal (matters of general interest to the Bar) and Informal (response to a specific inquiry) Ethics Opinions may be found in different publications and in Lexis and Westlaw.


   Containing Formal Opinions 1-315, and all Informal Opinions predating 1961


4. Recent Ethics Opinions, 1983 to date KF 306.A45.A4

   Regularly updated loose leaf service containing Formal Opinion 349 and Informal Opinion 1496 and those issued subsequently

Earlier (pre-1985) state and local ethics opinions are digested in a four-volume set published at five-year intervals by the American Bar Foundation, an adjunct of the ABA. Edited by Olavi Maru, the original volume of the Digest of Bar Association Ethics Opinions was published in 1970 and supplemental volumes have been published updating the digest through 1975, 1980, and 1985. KF 305 .A2 1975

Post 1980 state and local ethics opinions digested in ABA/BNA Lawyers’ Manual On Professional Conduct. (See “Loose leaf Services” below, for full description)

Online sources for ABA Ethics Opinions:

LEXIS -Ethics Library (or Ethics Area of Law)

WESTLAW – ABA-ETHOP database (contains both Formal and Informal Opinions)

STATE MATERIALS: National and New York state sources

1.) ABA/BNA Lawyers' Manual on Professional Conduct, (abstracts of ethics opinions) KF305.A8A32


New York

• Opinions of the Committees on Professional Ethics of the Association of the Bar of the City of New York and the New York County's Lawyers' Association / The Association (1956-)
Opinions from the Association of the Bar of the City of New York, the New York County Lawyers' Association, the New York State Bar Association and the Bar Association of Nassau County.

- **ABA/BNA Lawyer's Manual on Professional Conduct KF305.A8A32**
  Annotations of state and local bar association opinions. Ethics opinions volume also contains opinions from the Monroe County Bar Association, the Suffolk County Bar Association, the Queens County Bar Association, and the New York Women's Bar Association.

  **National Reporter on Legal Ethics and Professional Conduct KF308.A6N38**
  Contains New York State Bar Association opinions from 1982 to the present.

- **New York Law Journal** Current news rack on floor 3. Also available in microfiche on floor 2.

- **New York State Bar Journal** Floor 2
  Opinions of the New York State Bar Association

- **Formal opinions: New York State Bar Association / Committee on Professional Ethics**

- **Opinions of the Committees on Professional Ethics**
  Opinions of the Association of the Bar of the City of New York and the New York County Lawyer's Association through 1956.

- **Selected Opinions of the Advisory Committee on Judicial Ethics / New York State. Advisory Committee on Judicial Ethics, (1988-) KFN 5984.5 .D57 A492**

- **Digest of Bar Association Ethics Opinions**

- **Bar Association of Nassau County Opinions**
  Notebooks contain slip opinions from the Nassau County Bar Association starting in 1991.
New York State Materials

McKinney’s *Judiciary Law*, volume 29, “Appendix” p.350 (Stack 1) (code and annotations to ethics opinions and court cases)

- NY Consolidated Laws (CLS) volume 19B, (Stack 1) (code and annotations to State bar ethics opinions and court cases)
- Title 22 of the New York Code Rules and Regulations (NYCRR) Part 1200 (Stack 1)
- Rules of each of the Appellate Divisions

Legislative history of the adoption and revision of the code or rule

The New York State Bar Association has published a number of Reports, Summary Reports and Drafts leading to the revision adopted in 1990 by the House of Delegates which was adopted by the Appellate Divisions in 1990.

  
  *Simon’s NY Code of Professional Code of Responsibility Annotated* vol. 1: KFN 5076.5 A2 S46

Loose Leaf Services

Loose leaf services consolidate statutes, rules, court decisions, and commentary on a particular legal topic into one source. This allows the researcher to find all relevant primary and secondary materials concerning that topic in one place. Loose leaf services are continually up-dated and/or replaced to reflect recent legal developments.


Text of the ABA *Model Code of Professional Responsibility & the ABA Model Rules of Professional Conduct*

- References to state lawyer ethics codes by jurisdiction.
- Detailed references to **state variations** on the *Model Code* and the *Model Rules*.
- Full text of recent ABA ethics opinions (manual - tab 1001).
- Narrative treatment of ethical issues organized topically and annotated with references to case law, ethics opinions, and secondary sources.
Online sources:

Westlaw

- ABA/BNA Manual on Professional Conduct


- Four volume annual set of state lawyer ethics codes arranged by jurisdiction.
- Updated frequently
- Collects state bar formal & informal ethics opinions (not all states)

SECONDARY MATERIALS

Secondary legal materials serve as finding tools for locating primary sources and authorities.

1. Legal Encyclopedias

Legal encyclopedias provide a quick overview of an area of law and help the researcher locate case law and statutes relevant to the problem under study.

- *Corpus Juris Secundum* (CJS), West Publishing, 1980 Floor 3 Volumes 7 and 7A “Attorney and Client”

2. Restatement


- Broader in coverage than just the ethics codes.
- Not Persuasive authority, but a “new” and useful source for research in this topic.
- Reporter's Notes to each of the sections provide a vast amount of case law and secondary material.

3. Legal Periodicals

Legal periodicals include law school reviews; specialized journals and legal newspapers. Periodicals are useful in keeping current with developments in legal ethics. The ABA publishes
various journals, as do various state bar associations.

- *Journal of the Professional Lawyer* (2008) - KF305.A15 P76

- *American Bar Association Journal.* Floor 2 Unclassified

- *ABA Section on Professional Responsibility Newsletter* Floor 2


- *GEO J. LEGAL ETHICS* Floor 2 Unclassified

- *NOTRE DAME J L, ETHICS, & PUB. POL’Y’* Floor 2 Unclassified

- *J. PROF. LAWYER* Floor 2 Unclassified

**Useful Texts:**


**Useful Treatises**


- Treatise on the *Model Rules of Professional Conduct*

- Contains the text of both the *Model Rules* and the *Model Code* as well as state variations on the rules.

- No significant coverage of issues not directly addressed by the *Model Rules*

- Updated annually.
Audio

**INTERNET RESEARCH SITES**

American Legal Ethics Library (Legal Information Institute):

This site includes narratives about particular states contributed on a pro bono basis as well as links to official sites.

[http://www.law.cornell.edu/ethics/](http://www.law.cornell.edu/ethics/)

Association of Professional Responsibility Lawyers:

Includes links to state sites as well as information about the Association.

[http://www.aprl.net](http://www.aprl.net) (Click on “Research” for links to all 50 states)

Findlaw: Ethics and Professional Responsibility Law: Links to official and unofficial resources.

[http://www.findlaw.com/01topics/14ethics/index.html](http://www.findlaw.com/01topics/14ethics/index.html)

**NEW YORK ETHICS OPINIONS**

New York State Bar Association – Full text and digest of opinions available since 1991 (click on Attorney Resources, Ethics Opinions)

[www.nysba.org](http://www.nysba.org)

Nassau County Bar Association Click on “Ethics Opinions”.

[www.nassaubar.org](http://www.nassaubar.org)

New York County Lawyers Association – Contains summaries of opinions from 1970-present. Full text from 1996. Index from Canon numbers to opinions. Click on Publications to find ethics opinions.

[www.nycla.org](http://www.nycla.org)


[www.scjc.state.ny.us](http://www.scjc.state.ny.us)


[www.nylj.com](http://www.nylj.com)