



# PROFESSIONAL RESPONSIBILITY RESEARCH GUIDE

## H. DOUGLAS BARCLAY LAW LIBRARY

**Check the library's "Location Guide" and Summit/Voyager, the online catalog for the current location of sources mentioned in this pathfinder.**

### Outline

#### **INTERNET RESEARCH SITES**

- National Sources for researching Professional Responsibility Issues
- New York Sources for Ethics Opinions

#### **SUMMIT RESEARCH FOR LOCATING ITEMS IN THE LAW LIBRARY**

#### **PRIMARY SOURCES**

- ABA Materials
  - Model Code of Professional Responsibility
  - Model Rules of Professional Conduct
  - Ethics Opinions (Formal and Informal)
- State materials on Professional Responsibility
  - Code/Rules/Statutes
  - Ethics Opinions
  - Court Rules

#### **SECONDARY SOURCES**

- Encyclopedias
- ALR
- Restatement
- Legal Periodicals
- Treatises

## INTERNET RESEARCH SITES

### NATIONAL SOURCES:

- ABA/BNA Lawyers Manual on Professional Conduct: Useful summary of current cases, search engine for caselaw, commentary on recent developments in the field. *Web access restricted to College of Law computers.*  
<http://www.law.syr.edu/lawlibrary/bna/>
- 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/>
- Association of Professional Responsibility Lawyers: Includes links to state sites as well as information about the Association. <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>
- ABA Center for Professional Responsibility: Source for information about recent proceedings of ABA committees, including the Commission on Multidisciplinary Practice. <http://www.abanet.org/cpr/home.html>
- Crossing the Bar: State-by-State Guide to reciprocity rules by a commercial web site. [www.crossingthebar.com](http://www.crossingthebar.com)

### NEW YORK ETHICS OPINIONS VIA THE INTERNET:

- 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)
- Monroe County Bar Association: General information about the ethics committee. <http://www.mcba.org/commsec/eth/eth.htm>
- New York State Commission on Judicial Conduct: Opinions since 1997, press releases, committee information. [www.scjc.state.ny.us](http://www.scjc.state.ny.us)
- New York Law Journal: Web version of daily legal newspaper. Current articles about the legal community in New York. [www.nylj.com](http://www.nylj.com)
- New York Court Unified Court System: Court rules for different levels within the state court system. Press releases regarding changes to Court procedures. [www.courts.state.ny.us](http://www.courts.state.ny.us)

## SUMMIT SEARCHES

Use Library of Congress Subject Headings:

Summit search under “subject”: “Legal Ethics” or “Legal Ethics-United States”

## PRIMARY SOURCES

Primary legal sources are those materials which contain the actual text of the law. The major primary sources of legal ethics law are codes & rules, ethical opinions and cases.

### **ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY AND ABA MODEL RULES OF PROF. CONDUCT**

- 1.) ABA "Model Code of Professional Responsibility" (adopted August 12, 1969)  
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
  
- 2.) Annotated revised ABA "*Model Rules of Professional Conduct*" (adopted August 2, 1983) KF305 .A2 1983 Shelved in stacks 1999 Shelved in Reserves and Reference

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*.
- Adopted in whole or in part by 20 or more jurisdictions.

For text of the Model Code and Model Rules, see ABA/BNA *Lawyers' Manual on Professional Conduct*. American Bar Association; Bureau of National Affairs, 1984  
- KF305.A8 A32

#### **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 & 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.

- 1.) Opinions Of The Committee On Professional Ethics: Nos. 1-315, dating from 1924-1965. **(1967)**. KF305 .A2 1967  
(containing Formal Opinions 1-315, and all Informal Opinions predating 1961)
- 2.) Informal Ethics Opinions: C-230(A)-1284, dating from 1961-1973. **(1975)**  
2 Vols. KF 305.A2 1975
- 3.) Formal Opinions 316-348, 1967-1982: Informal Opinions 1285-1495, dating from 1974-1982 **(1985)** KF305 .A2 1985
- 4.) Recent Ethics Opinions, 1983 to date KF 306.A45.A4  
(regularly updated looseleaf 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 "Looseleaf Services" below, for full description)

**Online sources for ABA Ethics Opinions:**

LEXIS – Ethics Library (or ABA Library)

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

**STATE MATERIALS**

Most of the state ethics codes and rules are available in the state Codes collection on Stack 2 of the library. Use the index and look under Attorneys, Professional Responsibility, Ethics etc. to locate the appropriate sections.

**State Ethics Opinions**

Lawyers faced with an ethical dilemma may submit their question to a state or local ethics committee and request an opinion as to whether or not their suggested action may be a breach of the state code of professional responsibility. The published opinions may or may not be determinative in any particular case. However, courts often look to the published opinions for persuasive authority.

**Westlaw**

The databases for ethics opinions use the following format: {2 letter postal abbreviation for the State}ETH-EO . e.g.: NY Ethics opinions are available in the NYETH-EO file. Check the scope note for the database in Westlaw for the dates and extent of coverage for each state.

There are also specialized caselaw databases containing court opinions re: Ethics on Westlaw: NYETH-CS.

## Lexis

The ETHICS library, or NYBAR. or NYCBAR. files

## General

- 1.) *ABA/BNA Lawyers' Manual on Professional Conduct*. (abstracts of ethics opinions) KF305.A8A32
- 2.) *The National Reporter on Legal Ethics and Professional Responsibility*, ( University Publications of America, 1983). KF 308.A6N38 (ABA and state ethics opinions.)

## 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-)*
  - KFN 5984.5 .D57 A492 5 Vol.
  - 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 in news rack & Floor 3; microfiche Floor 2
  - Opinions from down state local bar associations and the New York State Bar Association. Opinions indexed under "ethics and ethical questions" in the New York Law Journal Digest Annotator.
- *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* KFN 5076.5 .A2 N45
- *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*
  - Three volume set contains summaries of opinions from the New York State Bar Association, the New York County Lawyers' Association, and the Association of the Bar of the City of New York. Coverage ends at 1980.
- *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 19A, “Appendix” p. 389 - (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, Roy D. Simon's New York Code of Professional Responsibility Annotated 2002 Edition. Reference: KFN5076.5 .S46

### **Agencies**

NYSBA Committee on Professional Ethics and

New York State Ethics Commission decisions from 1988

NYBAR

Bar of the City of New York Committee on Professional  
and Judicial Ethics

NYCBAR

### **COURT RULES**

Court rules also determine a lawyer’s professional obligations. Court rules, generated by Federal & State trial and appellate courts, often set forth the details of a lawyer’s responsibilities in such matters as duration of representation, the scheduling of litigation, and procedures for withdrawal.

[Internet listing for Court Rules](#) compiled by [www.llrx.com](http://www.llrx.com).

Print Sources:

- USCS Federal Rules Annotated Floor 4 (with United States Code Service)
- USCA Federal Rules Annotated Floor 4 (with United States Code Annotated)
- Federal Rules Service. Callaghan, 1939- KF8830 .F44
- Federal Local Court Rules 2nd ed. KF8816 .A2 F4 1995
- Moores Federal practice, M. Bender KF8816 .A2

### **Online Resources:**

Lexis - Genfed Library and Rules database

Westlaw - “Federal Materials” database “Court Rules & Orders” files

### **Looseleaf Services:**

Looseleaf 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. Looseleaf services are continually up-dated and/or replaced to reflect recent legal developments.

1.) ABA/BNA *Lawyers' Manual on Professional Conduct*. American Bar Association; Bureau of National Affairs, 1984 - KF305.A8 A32

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.
- Each chapter includes a bibliography of law review articles.
- Other features include
  - Citations to key cases
  - Reprints of selected current ethics opinions.
  - Biweekly "Current Reports" and monthly updates.
  - **Summaries of state and local ethics opinions from 1980 to 1985 (tab 801) and 1986 to 1990 (tab 901).**
  - Digest of opinions from 1991 to present

**Online sources:**

Westlaw

- ABA/BNA Manual on Professional Conduct            ABA-BNA

2.) *National Reporter On Legal Ethics And Professional Responsibility* (University Publications of America, 1983). KF308.A6 N38

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

**Access Points**

- State Ethics Codes arranged by jurisdiction (Without annotations)
- Alphabetical Index

## SECONDARY MATERIALS

Secondary legal materials are very useful in understanding the nuances of professional responsibility and the nature of legal ethics. These materials also serve as finding tools to aid researchers in locating primary sources and authorities. The best sources for beginning research in secondary materials are in specialized looseleaf services:

### 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. Detailed analytic indexes provide access to the text of the encyclopedia.

- *American Jurisprudence 2d*, (Am Jur) Lawyers Cooperative, 1980) Floor 3
  - Volume 7 "Attorneys at Law"
- *Corpus Juris Secundum* (CJS), West Publishing, 1980 Floor 3
  - Volumes 7 and 7A "Attorney and Client"

## 2.) **American Law Reports** (See pathfinder entitled "ALR")

American Law Reports (ALR) Lawyers Cooperative. Floor 4

- Consult index under: "Discipline and Disciplinary Matters" and "Ethics and Ethical Matters"

## 3.) **Restatement**

*Restatement Of The Law, The Law Governing Lawyers* (American Law Institute).  
c1988- KF311.Z95 R4 2000 ("Attorney and Client")

- 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.

### **Online Resources:**

Lexis - Secondary Sources Library

- AM JUR 2 American Jurisprudence 2d
- ALR 1 ALR & L.Ed. Annotations
- RESTAT 1 ALI Restatements of Law

## 4.) **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.

- *Professional Lawyer*, (spring 1989) - KF305.A15 P76
- *American Bar Association Journal*.
  - Microfiche: vol. 1 (1915)-- Floor 2 Fiche  
Cabinets
  - Paper: vol. 67 (1981)-- Floor 2 Unclassified
- *ABA Section on Professional Responsibility Newsletter* Floor 2
- *Georgetown Journal of Legal Ethics* Floor 2 Unclassified
- *Criminal Justice Ethics* Floor 2 Unclassified
- *The Journal of the Legal Profession* 1976- Floor 2 Unclassified
- *Lawyers' Professional Liability Update / ABA Standing Committee on Lawyers' Professional Liability.* KF313 .L38 1983

### **Online sources:**

Westlaw - Legal Ethics & Professional Responsibility database and "Law Reviews, Legal Texts & Periodicals" files

Lexis - Lawrev Library and Allrev database

## FINDING AIDS

### 1.) Digests

Case digests arrange cases alphabetically by subject and serve as indexes to court decisions and opinions. (See also pathfinder “West Case Reporters & Digests”)

*Digest Of Bar Association Ethics Opinions* (ABA). KF 305 .A2 1975

- Digests of all ABA and state ethics opinions from 1910 to 1980
- Basic volume with, 1970 supplement, 1975 supplement and 1980 supplement.
- Ceased publication after 1980 supplement.

*West’s Federal Practice Digests*. Floor 4

- Subject access to Federal case law. (Attorney & Client Key Numbers 105 through 129. )

### 2.) Periodical Indexes (Paper, CD-ROM, Online)

Periodical indexes provide subject and author access to journal articles and allow researchers to locate articles of interest and citations to their sources.

Use Summit to access the online “Index to Legal Periodicals” database.

- Index to Legal Periodicals, H.W. Wilson Company Floor 3 ( 1886 - 1995)
- Current Law Index, Information Access Corporation Floor 3(1980 - 1995)

### Online Indexes:

- Lexis LAWREV library ILP file
- Lexis LAWREV library LGLIND file
- Westlaw LRI database for 'legal ethics.'
- Westlaw ILP database for 'legal ethics.'

LEGALTRAC - Available on Summit, Syracuse University’s Online Library Catalog (go to “Other Databases”, look for title alphabetically)

- Covers over 800 law and law related publications
- Coverage begins around 1980 –

### Miscellaneous Useful Sources

- 1.) ABA Compendium of Professional Responsibility Rules and Standards KF 305.A2 1997
- 2.) *Annotated Model Rules of Professional Conduct*. 3rd ed. c1996. Temporary Control #: AFS2602
- 3.) *Annotated Model Rules of Professional Conduct*. 2nd ed. c1992. KF305 .A26 1992
- 4.) *Model Code of Professional Responsibility and Code of Judicial Conduct*. c1986. KF305 .A2 1986
- 5.) *Model Rules for Client Protection*. 1995. Temporary Control #: AFR8143
- 6.) *Statistical Report : Sanctions Imposed in Public Discipline of Lawyers* . ABA, 1986-Annual. KF308.A152 S73

### Online Resources

- Lexis - ABA Library
- Internet -- <http://abanet.org/cpr/home.html> (ABA Center for Professional Responsibility)
  - National Lawyer Regulatory Data Bank
  - Programs & Services
  - Publications ordering information

### Treatises

*The Law of Lawyering: A Handbook on the Model Rules of Professional Conduct*,  
(1990) 2 Vols. KF 306 .H33 1990

- 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.

Charles W. Wolfram, *Modern Legal Ethics*, West Pub. Co., 1986. KF306 .W59  
1986

- Commentary organized topically rather than by disciplinary rule
- Broad coverage of all ethical issues
- Includes treatment of other related issues, including, for example, bar admission, disciplinary procedure, malpractice, and judicial conduct
- Not supplemented since its 1986 publication.