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NYCLA’s Ethics Institute Joins in Filing of Amicus Brief in Brown v. Blumenfeld

December 17, 2010 – New York, NY – The New York County Lawyers’ Association’s (NYCLA) Ethics Institute joined with other bar groups, legal associations and academics in the filing of an amicus brief in Brown v. Blumenfeld, expressing opposition to the application of the Queens County DA’s Office for a writ of prohibition under Article 78 seeking to prevent Hon. Joel L. Blumenfeld, acting justice, Supreme Court of the State of New York, from relying on an ethics opinion the judge had commissioned from Professor Ellen Yaroshefsky when ruling on a suppression motion in a criminal case.

According to the brief, Professor Yaroshefsky, director of the Jacob Burns Center of Ethics in the Practice of Law at the Cardozo Law School of Yeshiva University, reviewed the practices used in the Perez case at Justice Blumenfeld’s request, and, as the brief notes, “...and concluded, inter alia, that some, but not all, were ethically flawed and violated New York’s professional responsibility standards, in particular the rules that govern contacts with unrepresented individuals and prohibit deception and dishonesty.” As the brief indicates, “In response, the District Attorney filed papers criticizing Professor Yaroshefsky’s opinion, accusing her of bias (based in part on the identity of a supposed former client), and insisting that Justice Blumenfeld strike her report from the record. When Justice Blumenfeld refused, the District Attorney [Richard A. Brown] commenced this Article 78 proceeding, seeking a writ of prohibition by challenging the trial court’s authority to consider the ethical implications of the District Attorney’s conduct in the context of a suppression motion.”

Brown v. Blumenfeld is before the New York State Appellate Division, Second Department.

NYCLA’s Ethics Institute coordinates all ethics-related activities of the 9,000-member Association, engages in independent research and scholarship regarding professional responsibility issues, and furthers lawyer professionalism through its Professionalism Task Force.

The New York County Lawyers’ Association (www.nycla.org) was founded in 1908 as the first major bar association in the country that admitted members without regard to race, ethnicity, religion or gender. Since its inception, it has pioneered some of the most far-reaching and tangible reforms in American jurisprudence and has continuously played an active role in legal developments and public policy.

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