

## Preface to the 2024 Edition

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The first edition of this book was published in 1995. Since then, enormous changes have taken place in New York and nationwide concerning the rules, statutes, regulations, cases, and ethics opinions that govern lawyers. In New York, the Appellate Division of the Supreme Court, the Administrative Board of the Courts, the New York Legislature, the New York State Bar Association, and the New York City Bar Association have all played active and prominent roles in proposing and adopting rules, regulations, statutes, and guidelines that regulate lawyers who practice in New York.

The four departments of the Appellate Division, which are charged with promulgating the rules of legal ethics, significantly amended or added to the Disciplinary Rules in the former Code of Professional Responsibility in 1996, 1999, 2001, and 2007, then adopted the New York Rules of Professional Conduct effective April 1, 2009. Since 2009, the Courts have amended many different black letter rules in the Rules of Professional Conduct. Amendments to the Rules are typically recommended by the New York State Bar Association and its Committee on Standards of Attorney Conduct (“COSAC”), but occasionally the Courts have amended rules *sua sponte* or based on the recommendation of a bar entity other than the NYSBA. Amendments to the black letter text of the Rules of Professional Conduct cannot take effect without approval by the Courts.

The State Bar and COSAC have also amended many of the Comments (which are adopted and approved solely by the State Bar, not by the Courts). To help readers keep track of changes over time, I have created a “Table of New, Amended and Deleted Rules and Comments Since the New York Rules of Professional Conduct Took Effect on April 1, 2009,” which appears in the Appendix of Tables at the end of this volume. For a deeper look at particular amendments over time, readers should consult earlier editions of this book.

This book explains and interprets literally every paragraph and every phrase in the current New York Rules of Professional Conduct. Many provisions in the Rules of Professional Conduct are based substantially on Disciplinary Rules that appeared in the former New York Code of Professional Responsibility. The 2008 edition of this book annotated the Disciplinary Rules as they stood before the New York Rules of Professional Conduct were adopted in 2009.

When the manuscript for this edition closed, numerous proposed changes to the Rules of Professional Conduct were pending before the New York Courts, so readers should monitor the website of the New York State Unified Court System at <http://ww2.nycourts.gov/rules/jointappellate/index.shtml>. If the Courts adopt black letter changes in substantially the form recommended by the New York State Bar Association (based on proposals developed by COSAC), then proposed changes to related Comments will also take effect. (Comments are approved only by the State Bar, not by the Courts.) If the Courts adopt black letter changes that modify the State Bar’s proposals, then

COSAC will go back to the drawing board regarding related Comments.

Ethics opinions issued by bar association ethics committees are among the most important sources for interpreting the New York Rules of Professional Conduct. My Annotations on the Rules of Professional Conduct cite hundreds of ethics opinions issued by the state's most active ethics committees since the New York Rules of Professional Conduct took effect on April 1, 2009, as well as many earlier opinions based on the old Code of Professional Responsibility, whose language is for the most part still relevant. (The two most active ethics committees are from the New York State Bar and the New York City Bar. Three other ethics committees—from the New York County Lawyers' Association, the Nassau County Bar, and the Erie County Bar—formerly issued ethics opinions on a regular basis, but rarely do so now.) In addition, two tables at the back of the book organize and correlate ethics opinions to rules and vice versa (rules to ethics opinions). The book also cites and describes many significant judicial opinions, law review articles, blog posts, and newspaper articles that interpret or relate to the New York Rules of Professional Conduct and the former Code of Professional Responsibility.

To assist readers to understand similarities and differences between the old Code of Professional Responsibility and the new Rules of Professional Conduct, I created two comparison tables that appeared in the 2020-2021 and earlier editions of this book's Appendix of Tables. However, fifteen years have now passed since the Rules of Professional Conduct replaced the old Code of Professional Responsibility in 2009, so tables comparing the Rules and the Code are mainly of historical value, and I deleted them in 2022. Readers who need to compare the Rules and the Code should consult those tables in earlier editions.

I always appreciate comments, corrections, and suggestions regarding this book. Please contact me at [roy.simon@hofstra.edu](mailto:roy.simon@hofstra.edu) or [roy.d.simon@gmail.com](mailto:roy.d.simon@gmail.com), or by phone at **(607) 342-0840**.

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