



## News

### New York Law Journal: What Happens when Principles of Law or Ethics Conflict?

March 14, 2017

In his March *New York Law Journal* column, Anthony Davis explores the thorny issue of what happens when principles of law or ethics conflict. He looks at two instances where this issue was presented: first, a New York Court of Appeals decision, where the court had to consider whether to enforce the plain language of a contract between two lawyers for sharing legal fees that did not comply with the applicable Rules of Professional Conduct governing fee sharing; second, Formal Opinion 2017-2, in which the New York City Bar Association Committee on Professional Ethics addressed the problem of how to reconcile the duty to report a lawyer's fraudulent billing under New York Rules of Professional Conduct (RPC) 8.3 and the duty to preserve confidentiality under RPC 1.6.

In the Court of Appeals decision, Davis notes that even though the court enforced the contracts, the lawyers remain exposed to the possibility of professional discipline. With regards to Formal Opinion 2017-2, Davis explains how it is helpful to lawyers confronted by situations that may trigger the reporting requirement. He also describes how the Opinion provides guidance where a client is not able or is unavailable to give consent to disclosure.

[Read the full article](#) (*subscription required*)

"Legal Fees: What Happens When Principles of Law or Ethics Conflict?" was published by the *New York Law Journal*, March 9, 2017.