

## **EXHIBIT 4**

affairs and interests of the client. Referrals should only be made when requested by the client or deemed to be reasonably necessary to serve the client. Thus, even if otherwise permitted by DR 1-107, a contractual relationship may not require referrals on an exclusive basis.

**EC 1-17** To assure that only appropriate professional services are involved, a contractual relationship for the provision of services is permitted under DR 1-107 only if the non-legal party thereto is a professional or professional service firm meeting appropriate standards as regards ethics, education, training, and licensing. The Appellate Divisions maintain a public list of eligible professions. A member of a non-legal profession or professional service firm may apply for the inclusion of particular professions on the list, or professions may be added to the list by the Appellate Divisions sua sponte. A lawyer or law firm not wishing to affiliate with a non-lawyer on a systematic and continuing basis, but only to engage a non-lawyer on an ad hoc basis to assist in a specific matter, is not governed by DR 1-107 when so dealing with the non-lawyer. Thus, a lawyer advising a client in connection with a discharge of chemical wastes may engage the services of and consult with an environmental engineer on that matter without the need to comply with DR 1-107. Likewise, the requirements of DR 1-107 need not be met when a lawyer retains an expert witness in a particular litigation.

**EC 1-18** Depending upon the extent and nature of the relationship between the lawyer or law firm, on the one hand, and the non-legal professional or non-legal professional service firm, on the other hand, it may be appropriate to treat the parties to a contractual relationship permitted by DR 1-107 as a single law firm for purposes of these Disciplinary Rules, as would be the case if the non-legal professional or non-legal professional service firm were in an "of counsel" relationship with the lawyer or law firm. If the parties to the relationship are treated as a single law firm, the principal effects would be that conflicts of interest are imputed as between them pursuant to DR 5-105(D), and that the law firm would be required to maintain systems for determining whether such conflicts exist pursuant to DR 5-105(E). To the extent that the rules of ethics of the non-legal profession conflict with these Disciplinary Rules, the rules of the legal profession will still govern the conduct of the lawyers and the law firm participants in the relationship. A lawyer or law firm may also be subject to legal obligations arising from a relationship with non-lawyer professionals who are themselves subject to regulation.

## DISCIPLINARY RULES

### **DR 1-101 [1200.2] Maintaining Integrity and Competence of the Legal Profession.**

A. A lawyer is subject to discipline if the lawyer has made a materially false statement in, or has deliberately failed to disclose a material fact requested in connection with, the lawyer's application for admission to the bar.

B. A lawyer shall not further the application for admission to the bar of another person that the lawyer knows to be unqualified in respect to character, education, or other relevant attribute.

### **DR 1-102 [1200.3] Misconduct.**

A. A lawyer or law firm shall not:

1. Violate a Disciplinary Rule.
2. Circumvent a Disciplinary Rule through actions of another.
3. Engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer.
4. Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
5. Engage in conduct that is prejudicial to the administration of justice.