

NEW HAMPSHIRE BAR ASSOCIATION
Ethics Committee Advisory Opinion

April 13, 1982

Independent Secretarial Work by a Law Firm Employee.....

Question: Whether a secretary regularly employed by a law firm may also work as a secretary for other firms on an as needed basis (i.e. independent contractor). The work done on behalf of the other firms would not include any matter in litigation.

Opinion: Pursuant to the facts outlined by the inquiring attorney, an underlying assumption of this Opinion is that the secretary would perform only those tasks normally assigned to secretaries. The Code, under DR 4-101 (D), imposes upon attorneys the duty to use reasonable care to prevent his employees from disclosing confidences of the attorney's clients. If an attorney's secretary decides to accept additional employment with other law firms, the attorney should take necessary steps to assure there will be no improper disclosure of information by the secretary.