

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinion

Committee of the American Liberty League which attempted to provide legal assistance without compensation to indigent citizens. In Opinion 121, the ABA Committee approved advertisements of bar associations informing the public how and when to consult a lawyer on various legal matters. See also Opinions 191 and 284, and Informal Opinions 786 and 888 of that Committee.

Accordingly, it is the opinion of this Committee that legal aid societies may distribute circulars of the kind described above. However, it is also our opinion that such circulars must be accurate, dignified and in good taste and that their function should be to inform indigent citizens of their rights, the facilities available and for protection of such rights, rather than to solicit clients or stir up litigation. Solicitation and incitement of controversy, when conducted in the belief that they promote the public interest or benefit the indigent, detract from the dignity of the profession and are unprofessional. The content of the circulars should conform to these standards.

Including in the circulars the names of officers of the society seems to be unnecessary and if the individuals named are practicing lawyers and not full-time employees of the society, inclusion of their names is improper.

Opinion #72 - 3/1/68 (33-67)

Topic: Advertising.  
Directories.

Digest: Distinctive listing in telephone directories improper.

Canon: Former Canon 27

QUESTION

In listing an attorney in a telephone or other directory, may the listing be distinctive by the use of bold face type?

OPINION

When a lawyer's name is published in a directory in a type of a size or style distinctive from that in which the names of other subscribers are listed, it becomes a form of advertising and falls within the purview of Canon 27. A lawyer's conduct in causing it to be published in such a manner must be condemned.

ABA Opinion 284 stated that the use of bold face type in a classified listing composed solely of other lawyers, indicated a studied purpose to single oneself for special notice over and above his fellow lawyers. (Accord ABA Opinions 53 and 123.)

Recently, ABA Informal Opinion 487, condemned "the listing of a lawyer's name in a distinctive type in a telephone or city directory in the regular or classified sections. Such a distinctive means of self-classification ... is improper advertising and offends Canon 27."