

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

Opinion #92 - 12/5/68 (20-67)

Topic: Signs
Digest: A sign with lettering
of over 3 inches in
height is undignified
and is advertising.
Canon: *Former Canon 27*

QUESTION

Is there any outside limit to the size of a lawyer's sign, which by reason of such size is undignified and a form of advertising?

OPINION

The test most frequently applied to determine the propriety of a sign or shingle is:

"...whether the sign is intended and calculated to enable persons looking for a lawyer, already selected, to find him, or to attract the attention of persons who might be looking for a lawyer, although not for him." (ABA 132A Informal Opinions through 1957) Cf. ABA Inf. 510-5/31/62 Other Informal Opinions after 1957; ABA Inf. 864-8/4/65 Other Informal Opinions after 1957; In the Matter of John M. Duffy, 19 A D 2d 177, 242 N.Y.S. 2d 665 (2nd Dep't 1963).

In the Matter of Cohen, 261 Mass. 484, the Court held it to be incompatible with the maintenance of correct professional standards for attorneys to employ commercial methods of attracting patronage.

Professional Ethics Committee decisions have held improper for example; fifteen windows of second floor office painted with large block letters against a white background; lawyers name on even one second story window where there was an appropriate place for listing at the building entrance; the naming of buildings such as "Lawyers Building", "Attorneys Centre Building", "Counsellors at Law" building; a shingle at lawyers residence when he has an office where he practices; a neon sign as a shingle; a sign 16 feet long and 2 feet high bearing legend "LAW OFFICE" above store front office; a sign 6 feet in width and 3 1/2 feet high bearing words "Law Office" in 8 inch letters and firm name in 6 inch letters; and a sign at street level 3 feet wide by 2 feet high.

The Duffy case cited above questions the practicability of formulating a precise rule governing the size and type of permissible shingles, while finding the signs in that case to be a violation of ethical conduct. In summary therefore, we are to be guided by principles calling for the sign to be modest, dignified and in good taste and not ostentatious in form, color, or size; and whether or not the intention of the sign or shingle is to attract the attention of persons who might be looking for a lawyer not already selected.

However, Professional Ethics Committees have regulated the size and type print that a lawyer may have printed in a telephone or city directory by condemning bold face type or other distinctive listings. (ABA 223-7/12/41; ABA 284-8/51; N.Y.S. 72-3/1/68) Therefore, in view of numerous inquiries to the committee for guidance as to whether specific signs fall within the guidelines heretofore published, this committee while reaffirming the principles above set forth, recommends the following as guidelines:

