



Committee on Professional Ethics

Opinion #229 - 2/25/72 (8-72)

Topic: Comment to News Media
on Pending Criminal
Litigation

Digest: A lawyer should limit
his comments concerning
pending criminal litigation
to the public record.

Code*: Canon 7; DR 7-107

QUESTION

May a lawyer comment to the press on a pending motion to disqualify a grand jury which has indicted his client?

OPINION

A lawyer should represent his client zealously, within the bounds of the law, including the questioning of any impropriety within the judicial system. Canon 7. However, such representation should occur within the court room and not in the newspaper.

It is better to avoid any ex-parte statement even in extreme cases. Drinker, Legal Ethics 70 (1953).

A lawyer or law firm associated with the prosecution or defense of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication that relates to issues of the case, except that he may quote from or refer without comment to public records of the court in the case. DR 7-107.
