



Committee on Professional Ethics

Opinion #394 - 5/29/75 (35-75)

Topic: Advertising; solicitation.

Digest: A Legal Aid Society may publish in a newspaper the availability of legal assistance for the indigent.

Code: EC 2-1, EC 2-15,
DR 2-101(A) and (B).

QUESTION

May a Legal Aid Society publish in a newspaper the availability of legal assistance for the indigent and the type or category of matters handled by the agency?

OPINION

The prohibitions against solicitation of employment by circulars or other means of advertising is to prevent commercialization by lawyers and efforts to obtain remunerative business. Such publicizing of an individual lawyer is violative of DR 2-101(A) and (B). However, these prohibitions are not necessarily applicable to a Legal Aid Society, which is a philanthropic agency rendering legal services in the public welfare on a non-profit basis. ABA 148 (1935).

In this connection N. Y. State 222 (1971) states in part:

"It has frequently been said that the ban imposed by the canons on professional advertising is not aimed at activities intended to benefit the indigent rather than to obtain remunerative legal business."

A Legal Aid Society may distribute circulars stating what the law is and the name and address of the Legal Aid Society. The prohibitions against advertising and solicitation were not intended to proscribe actions promoting public or charitable interests. N. Y. State 71 (1968).

Since a legal assistance program may be advertised to the lay-public, there should be no prohibition against setting forth the types of cases that are not handled by the agency. ABA Inf. 888 (1965). The Juvenile Rights Division of a Legal Aid Society may list its services in a classified telephone directory as "JUVENILE MATTERS ONLY" in bold type, because bold face calls attention to the Society, not to individual lawyers. N. Y. County 642 (1975).

The profession has a duty to assist in making legal services available to those who need them. EC 2-1, EC 2-15. A Legal Aid Society is not a competitor of the practicing lawyers but rather, acts as a surrogate for all lawyers with respect to their duty to render services to those who cannot afford to pay for them. ABA

Inf. 992 (1967). The Legal Aid's effort to make it easier for the public to identify and segregate the services which are available to indigents does not violate the ethical prohibitions applicable to the profession.

Accordingly, it is not improper for a Legal Aid Society to publish in a newspaper the availability of its services for the indigent and the type or category of matters handled by the agency provided it is dignified and in compliance with other provisions of the Code. Attention is invited to DR 2-101(B) (6) as recently adopted.
