



Committee on Professional Ethics

Opinion #449 - 12/13/76 (99-76)

Topic: Publication of notice by attorney; legal periodicals.

Digest: Not improper for attorney to publish notice in legal periodical inviting other attorneys who represent clients similarly situated to communicate with him.

Code: DR 2-103; 2-104.

QUESTION

May an attorney who represents the estate of a victim of the Legionnaire's disease publish in the New York State Bar Association Journal or Newsletter a notice inviting other attorneys representing victims of the disease to communicate with him?

OPINION

The difficulties incident to instituting and carrying forward an action on behalf of the victim's estate, bearing in mind the medical and legal questions involved, furnish sufficient reason for the attorney to consult with other lawyers representing victims of the disease. Discussions with such other attorneys presumably will promote the interests of his client.

As explained in N.Y. State 124 (1970):

"When the interest of a client will be served by enlisting the cooperation of others similarly situated, an attorney may solicit or participate in soliciting such cooperation, provided his motive is not to benefit himself." Cf., N.Y. County 632 (1974) and N.Y. City 717 (1948).

The problems of solicitation and suggesting the need for legal services are substantially minimized by reason of the fact that the inquiring attorney proposes to limit his communication to other members of the Bar. See, DR 2-103 and DR 2-104.
