

Nebraska Ethics Advisory Opinion for Lawyers  
No. 68-2

A LEGAL AID SOCIETY MAY, UNDER PROPER CIRCUMSTANCES, INSTALL POSTERS IN CITY BUSES, ADVISING POOR PEOPLE HOW TO CONTACT THE SOCIETY FOR LEGAL ASSISTANCE, PROVIDED THAT THE POSTERS ARE DIGNIFIED IN TONE AND DO NOT MENTION THE NAME OF ANY INDIVIDUAL LAWYER.

CANONS INTERPRETED: (Professional Ethics)

Canon 27: Advertising, Direct or Indirect.

Canon 28: Stirring up Litigation, Directly or Through Agents.

Canon 35: Intermediaries.

Canon 40: Newspapers

A legal aid society inquired concerning the ethical propriety of placing posters in city busses, advising poor people how to contact the organization for legal assistance. The posters would be about 11 inches by 28 inches, in size, on which cardboard with black lettering, and contain language, substantially as follows, viz: "If You Need Legal Advice and Cannot Afford a Lawyer, Contact the Legal Aid Society for Information and Assistance at \_\_\_\_\_, Telephone No. \_\_\_\_\_".

The Advisory Committee of the Nebraska State Bar Association is of the opinion that this procedure would not violate any of the Canons of Professional Ethics.

In Formal Opinion 121 of the Committee on Professional Ethics of the American Bar Association, interpreting Canons of Professional Ethics 27, 28 and 40, a local bar association was authorized to purchase advertising space in a local newspaper, for the purpose of informing the public how and when to consult an attorney, provided that such advertising was dignified in tone, did not contain pictures, and did not mention the name of any individual lawyer. Quoting from the Opinion: "The articles, in purpose and effect, should be for the intelligent guidance of the public and should be free

form the suspicion that selfish motives are the dominant purpose".

Formal Opinion 179, in approving sponsorship by a local bar association of a radio broadcast, which dramatized the need for competent legal advice in drafting, wills, provided that: (1) No reference to individual lawyers be made; (2) The motivation was to benefit the lay public rather than to increase professional employment; and (3) The manner in which it was presented, was in keeping with the dignity and traditions of the profession.

The ethical propriety of an attorney performing "Law Consultant Service" for those served by a national charitable institution, was exhaustively discussed and analyzed in Informal Opinion No. 888, rendered by the Standing Committee on Professional Ethics of the American Bar Association on December 11, 1965. This Informal Opinion, consisting of 10 pages, includes this statement, viz: "We have consistently recognized that free legal clinics, carried on by the organized bar, are not ethically objectionable (Opinion 191); and that Canon 27 does not prohibit acquainting the lay public with the expert services the legal profession is able to render, provided it is not actuated to secure greater professional employment, and is carried on by an organized bar association and not by individual lawyers (Opinion 179) ". Formal Opinion 307, issued May 26, 1962, permits a bar association to sponsor and inform the public of an annual legal check-up program by way of a dignified educational campaign, provided that the names of no individual lawyers are advertised and that the attorneys agree to abide by a fixed fee schedule.

Informal Opinion No. 992, issued August 26, 1967, permitted the making of announcements and new releases pertaining to the opening of Legal Aid offices by a legal assistance corporation. Involved were five neighborhood offices where indigents, needing legal advice, could receive legal assistance. Published and distributed was a pamphlet, which described the organization, its facilities and its programs, also receiving considerable favorable newspaper publicity. It cites Formal Opinion 148. wherein is contained this

statement: "Offering publicly to render legal services without charge to citizens, who are unable to pay for them, is not unethical". The Informal Opinion clearly pointed out that no violations of Canons 27, 28 or 35 were involved in this type of situation.

Moreover, the use and dissemination of posters on busses, with language similar to that which was proposed in this request, which posters were in two colors and of the same approximate size as that contemplated in this query, was recently approved in Kansas City.

Accordingly, it would appear that a legal aid society, especially one which is in the nature of a charitable legal assistance corporation, may properly and ethically install posters in city busses, advising poor people as to how and where the society may be contacted for legal information and assistance provided, however, that the posters are dignified in tone and appearance and do not mention the name of any individual lawyer.

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