

Nebraska Ethics Advisory Opinion for Lawyers
No. 79-5

IT IS NOT IMPROPER FOR AN ATTORNEY TO PERMIT HIS NAME TO BE INCLUDED IN THE CLIENT REFERENCE SECTION OF AN ADVERTISING BROCHURE PUBLISHED BY A COMPANY WHICH PROVIDES ANALYSIS OF MEDICAL MALPRACTICE CASES AND EXPERT OPINION AND WITNESS SERVICES IN SUCH CASES.

FACTS

You enclose a letter from Health Care Analysis, Inc., which is a company which provides analysis of medical malpractice cases and provides expert opinion and witness services in such cases. This company has written you advising you that they are updating their brochure and would like to include your name in their client reference section. The sample brochure enclosed contains the names of a number of lawyers who have apparently used the services of this company. You asked whether allowing your name to be used on this company's advertising brochure would be a violation of any of the Canons of the Code of Professional Responsibility governing conduct of members of the Nebraska State Bar Association.

CONCLUSION

An examination of the Code of Professional Responsibility and the ethical considerations and disciplinary rules therein contained indicates that allowing your name to be used in this fashion would not be a violation of the Code.

In the opinion of the Committee, you are not advertising or soliciting and therefore none of the rules applicable to advertising or soliciting apply to you. Neither can this brochure be considered a lawyer list.

Of additional significance is the fact that apparently this brochure is directed primarily to attorneys, if not solely to attorneys and the purpose of the brochure does not

appear to be advertising or solicitation by the attorneys mentioned therein, but rather an effort by the Health Care Analysis, Inc. to demonstrate that their services are being used by a number of lawyers in different states.

It is therefore the opinion of the Committee that the lending of your name for this purpose is not a violation of any provision of the Code of Professional Responsibility.

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