

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-110
Issued: March 1975

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.

Question: May a local bar association place in local newspapers a series of articles designed to present a general discussion on legal topics of interest to the public?

Answer: Yes.

OPINION

A local bar association desires to place in the local newspaper a series of articles discussing in a general way various legal topics of interest to the public. Before undertaking this project, the association has requested our opinion on the propriety of doing so. Included with the request is the first of the articles, containing a general discussion of rights under the Workmen's Compensation Act. The article concludes with two optional endings, one suggesting that any member of the bar association would be glad to point out rights under the act to any injured worker and the other stating only that the article is one in a series designed to inform the public of its rights. Assuming the proposal in general and the article in particular are ethically acceptable, the association has also requested the Ethics Committee to determine which of the two endings would be appropriate.

It has generally been held that local bar associations may, if done with dignity, conduct educational programs in the media designed to acquaint the lay public with general services available through the legal profession. Discussion of legal subjects of general interest to the public has also been approved. On the other hand, any attempt to discuss individual legal problems or to give individual advice has been consistently condemned.

The rules governing sponsorship of such programs were originally announced in ABA Formal Opinion 179 (dated May 8, 1938) and were later reiterated in Informal Opinion C-846 (dated May 31, 1965). These rules, to which we fully subscribe, note that presentation of such programs in the media is permissible so long as (1) no reference to individual lawyers is made; (2) the motivation is to benefit the lay public rather than to increase professional employment; and (3) the manner of presentation is in keeping with the dignity and traditions of the profession. Of special importance is the second requirement. In ABA Formal Opinion 121 (dated December 14, 1934), the Committee noted that while the information given in an article may be helpful, this is outweighed by the loss in esteem which the profession may suffer if the manner in which the information is presented may be considered a subtle method of seeking legal employment.

So long as these criteria are strictly adhered to, the Committee believes that the educational program proposed by the association in question may properly be undertaken. The article submitted with the request also appears to meet the general standards established in prior ABA Opinions. We do believe, however, that it would be inappropriate to end the article with any suggestion that members of the association would be glad to point out rights under the act to any injured workman. In a subtle but nonetheless real way, this suggestion conveys the impression that the program is being presented to increase professional employment. At the same time, it would be appropriate and well advised for the association to include in the article a caveat that it was intended only as a general discussion of the subject and should not be relied upon or considered as advice in individual cases.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.