

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-285
Issued: January 1984

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>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question: May a lawyer have a lighted sign?

Answer: Yes.

References: DR 2-102(A)(3); KBA E-130, E-170, E-263; In the Matter of R.M.J., 455 U.S. 191 (1982); Bates v. State Bar of Arizona, 433 U.S. 350 (1977); SCR 3.135 (now Rules 7.01-7.60)

OPINION

The Ethics Committee has received several requests from lawyers concerning the law office sign. A number of these have requested whether they can have lights on the sign or the sign be lit. With the increase of the lawyers moving from city to the suburban area, the lawyers feel that it is necessary to have their law office sign lit for the convenience of their clients.

Prior to Bates v. State Bar of Arizona, 433 U.S. 350 (1977), advertising by lawyers was strictly regulated. Since Bates, In the Matter of R.M.J., 455 U.S. 191 (1982), the opinion of the Ethics Committee is the lawyer may advertise as long as it is not false, fraudulent or misleading as we noted in KBA E-263 the lawyer can now include a photograph of the lawyer in an advertisement.

DR 2-102(A)(3) provides as follows: "A sign on or near the door of the office and in the building directly identifying the law office. The sign shall not state the nature of the practice, except as permitted under DR 2-105."

Prior to Bates and R.M.J., this Committee on construing the Disciplinary Rules concluded that a lawyer could not place a sign across the street from the law office building (KBA E-130) nor in place outside of the building in which the law office is located (KBA E-170).

It is now appropriate for the Ethics Committee to consider lawyer's signs consistent with the United State Supreme Court decisions; the Kentucky Supreme Court decisions, and SCR 3.135. It is our opinion that as long as the law office sign is not false, fraudulent or misleading, it is permissible and our opinions and DR 2-102 (A)(3) are modified to this extent.

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.