

(LES 1300J)

DIGEST OF ETHICS ADVISORY PANEL
OPINION #88-14, REQUEST #28
Issued May 13, 1988

[Note: Ethics Advisory Panel Opinion #88-14, was rendered prior to the United States Supreme Court case of Shapiro v. Kentucky Bar Association No. 87-16, Decided June 13, 1988]

An attorney seeks Panel advice as to whether it is permissible for him to make contact in writing or by telephone with unrepresented individuals who have already filed claims against a corporation which has filed a petition for protection from creditors in bankruptcy court.

Disciplinary Rule 2-103(A) provides that "[a] lawyer shall not, except as authorized in DR 2-101(B) recommend employment as a private practitioner of himself, his partner or associate to a lay person who has not sought his advice regarding employment of a lawyer." Disciplinary Rule 2-101(B) lists 25 informational items which a lawyer may publish or broadcast. The situation the attorney describes does not fall within the ambit of these exceptions. Thus, the direct contact proposed would constitute a violation of DR 2-103(A).

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.