

DIGEST OF ETHICS ADVISORY PANEL
OPINION #88-27, REQUEST #24
Issued October 20, 1988

An attorney seeks Panel advice as to whether it is permissible under the Code of Professional Responsibility for his firm to mail a newsletter to companies or individuals who are not currently clients of the firm.

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 newsletter described does not fall within the ambit of these exceptions. Thus, the direct contact proposed would constitute a violation of DR 2-103(A).

The Ethics Panel of the Rhode Island Supreme Court is only empowered to interpret the Rhode Island Code of Professional Responsibility. The Rhode Island Supreme Court has not yet changed the Code in response to Shapero v. Kentucky Bar Association, 56 USLW 4532 (U.S. June 13, 1988); therefore the Panel cannot utilize the rationale or holding of Shapero in its analysis of an inquiry.

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.