

Digest of Ethics Advisory Panel
Opinion #91-24, Request #126
Issued May 23, 1991

An attorney seeks Panel advice concerning the ethical propriety of a letter the attorney intends to send to people who may qualify for compensation from the Victim's Compensation Fund.

The Panel takes this opportunity to note that such a mailing is permissible under the holding of Shapiro v. Kentucky Bar Association, 486 U.S. 466 (1988), as long as the letter is truthful and not deceptive. The Panel is of the opinion that the attorney's letter should clearly state that the client is responsible for "costs" if it is the attorney's intention to have the client pay for such "costs." The Panel takes the position that such a distinction is necessary to avoid misleading the potential layman client because the layman is generally unaware of the difference between "legal fees" and "costs."

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.