

ETHICS ADVISORY PANEL
Opinion #92-93, Request #320
Issued January 13, 1993

An attorney seeks Panel advice regarding the following situation. An attorney would like to provide advertising on a wall mounted display in the lobby of a hotel. The display would contain the attorney's name, address and an indication that the attorney engages in the general practice of law. The display, which also advertises other products and services, comes equipped with a telephone. By picking up the telephone and dialing a three digit number, prospective clients may reach the attorney's offices directly. The attorney asks whether this service and advertisement would violate the Rules of Professional Conduct.

The Panel believes that Rule 7.2 entitled, "Advertising" applies to this inquiry. The Rule states that:

(a) Subject to the requirements of Rule 7.1, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor, radio or television, or through written communication not involving solicitation as defined in Rule 7.3.

(b) A copy of each print advertisement (other than yellow page advertisements), a recording of each radio advertisement, and a videotape of each television advertisement shall be sent to the Supreme Court Disciplinary Counsel prior to or within 48 hours of the first dissemination of such advertisement and another copy of each print advertisement (including yellow page advertisements), recording of each radio advertisement and videotape of each television advertisement shall be retained by the lawyer for two years after its last dissemination along with a record of when and where it was used.

(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written communication permitted by this rule and may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.

(d) Any communication made pursuant to this rule shall include the name of at least one lawyer responsible for its content.

The attorney's description of the proposed advertisement consists of the name, address and telephone number of his law firm. Communication of this information is permitted under the Rules as long as the attorney follows the guidelines of Rule 7.2.