

DIGEST OF ETHICS ADVISORY PANEL
OPINION #88-22, REQUEST #38
Issued September 22, 1988

An attorney seeks Panel advice as to whether he may send letters offering his services directly to individuals who have been injured in an accident or have some relationship with an individual injured in an accident.

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 broadcast. Neither the situations described nor the sample letters submitted fall within the ambit of these exceptions. Thus, the direct contact which the attorney proposes would constitute a violation of DR 2-103(A).

The Ethics Advisory 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 the attorney's 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.