

NEW YORK STATE BAR ASSOCIATION
Committee on Professional Ethics

Opinion #335 - 4/25/74 (7-74)

Topic: Press release

Digest: County bar association may inform the public about legal aspects of no-fault insurance

Code: EC 2-1, 2-2

QUESTION

May a county bar association issue a press release designed to inform the public of the legal aspects of no-fault insurance.

OPINION

There is no ethical prohibition which would prevent the issuance of a press release so long as it is dignified and factually written. Such a release should avoid any appearance or suggestion that it constitutes advertising.

EC 2-1 provides:

"The need of members of the public for legal services is met only if they recognize their legal problems, appreciate the importance of seeking assistance, and are able to obtain the services of acceptable legal counsel. Hence, important functions of the legal profession are to educate laymen to recognize their problems, to facilitate the process of intelligent selection of lawyers, and to assist in making legal services fully available."

Prior ethics opinions have approved local bar association letters, ABA Inf. 423 (1961), advertisements in local papers, ABA 121 (1934) and radio broadcasts, ABA 179 (1938), designed to educate and inform the public so long as they are in keeping with the dignity and tradition of the profession. N.Y. State 122 (1969) approved advertising by an association of defense attorneys concerning their views on proposed legislation.

EC 2-2 states:

"The legal profession should assist laymen to recognize legal problems because such problems may not be self-revealing and often are not timely noticed. Therefore, lawyers acting under proper auspices should encourage and participate in educational and public relations programs concerning our legal system with particular reference to legal problems that frequently arise. Such educational programs should be motivated by a desire to benefit the public rather than to obtain publicity or employment for particular lawyers. Examples of permissible activities include preparation of institutional advertisements and professional articles for lay publications and participation in seminars, lectures, and civic programs. But a lawyer who participates in such activities should shun personal publicity."