

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinions

Opinion #221 - 12/20/71 (53-71)

Topic: Advertising - Publication  
of biographical informa-  
tion in a newspaper

Digest: A lawyer-officer of a  
corporation may permit  
publication of biographical  
information in a news  
release concerning his  
association with the  
corporation under certain  
circumstances

Code\*: DR 2-101(B)

QUESTION

May an attorney furnish a photograph and biographical information for publication of an article in a newspaper concerning his recent association with a corporation as an officer and a director thereof?

OPINION

The duty of a lawyer not to advertise or publicize himself is imposed by DR 2-101(B) which provides in part:

"A lawyer shall not publicize himself, his partner, or associate as a lawyer through newspaper or magazine advertisements, radio or television announcements, display advertisements in city or telephone directories, or other means of commercial publicity, nor shall he authorize or permit others to do so in his behalf except as permitted under DR 2-103. This does not prohibit limited and dignified identification of a lawyer as a lawyer as well as by name . . . in routine reports and announcements of a bona fide business, civic, professional, or political organization in which he serves as a director or officer."

The question is always whether under the circumstances the furtherance of the professional employment of the lawyer is the primary purpose of the advertisement or is merely a necessary incident of a proper and legitimate objective which does not have the effect of unduly advertising the lawyer. ABA 290 (1956); cf. N.Y. State 201 (1971).

It normally is not dignified to give with respect to legal associations more than the lawyer's name, picture and the name of the firm with whom he is associated and positions held in professional associations, as more would normally be considered to be self-laudatory.