



Committee on Professional Ethics

Opinion #238 - 3/17/72 (14-72) Topic: Referral Service.

Digest: Improper to permit referrals from organizations not operating an approved lawyer referral service.

Code*: Canon 2.
EC 2-15
DR 2-103.

QUESTION

May a lawyer permit his name to be included on a referral list prepared by a local civil liberties organization for cases which are not accepted because they do not involve a civil liberties issue?

OPINION

The legal profession has an obligation to make legal counsel available to the members of the public. Canon 2. To fulfill the obligation, the profession has developed lawyer referral systems for individuals who are able to pay fees but need assistance in locating competent lawyers to handle their problems. EC 2-15. However, such referral systems should be operated as contemplated by DR 2-103. DR 2-103(C) provides:

"A lawyer shall not request a person or organization to recommend employment as a private practitioner, of himself, his partner, or associate, except that he may request referrals from a lawyer referral service operated, sponsored, or approved by a bar association representative of the general bar of the geographical area in which the association exists and may pay its fees incident thereto."

To a similar effect under DR 2-103(D) (3) a lawyer may permit the recommendation of his employment by "A lawyer referral service operated, sponsored or approved by a bar association representative of the general bar of the geographical area in which the association exists."

A local civil liberties organization does not come within the exceptions or restrictions imposed by the Code concerning legal referrals. It would, accordingly, be improper for a lawyer to permit his name to be included on a referral list prepared by such organization for matters not involving a civil liberties issue, unless the plan is approved by the appropriate bar association. N.Y. State 182 (1971).
