



## Committee on Professional Ethics

Opinion # 324- 1/24/74 (45-73) Topic: Lawyer participation in newspaper sponsored programs concerning the legal profession.

Digest: Proper for lawyer to participate in newspaper sponsored programs on the legal profession.

Code: Canon 2  
EC 2-1, 2-2, 2-3, 2-4, 2-5,  
2-14  
DR 2-101, DR 2-104(A)(4),  
2-105(A).

### QUESTION

May a lawyer participate in a series of newspaper sponsored discussions on ethical values and responsibilities of the legal profession, where edited versions of the discussions will appear in the sponsoring newspaper?

### OPINION

N.Y. State 283 (1973) sets forth the general guidelines applicable to participation by lawyers in legal educational seminars and programs. The subject-matter of the proposed series is obviously educational in nature and within the scope of EC 2-2, which affirmatively encourages lawyers to participate in appropriate educational programs designed to educate laymen about the law and to promote public relations. When such programs are presented in good taste and in proper form, both the public and the profession benefits. See also, Canon 2 and EC 2-1.

Specific limitations relating to content of programs or designed to prevent abuses are found in EC 2-3, EC 2-4, EC 2-5 and in DR 2-104 (A)(4) which provides:

"Without affecting his right to accept employment, a lawyer may speak publicly or write for publication on legal topics so long as he does not emphasize his own professional experience or reputation and does not undertake to give individual advice."

See also, N.Y. State 283 (1973).

Assuming that the proposed discussion program and accompanying publicity and promotional material meet the above cited requirements of the Code and the general guidelines set forth in N.Y. State 283 (1973), it would be professionally appropriate for lawyers to participate in such a program. Participation would not be rendered inappropriate because the sponsoring newspaper would be reporting the presentations in its news pages. It would, however, be incumbent on participating

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lawyers to discourage sensational or undignified reporting or promotion of such a series, and not to continue as a participant if accepted standards were not met.

Other opinions approving lawyer participation in educational programs or the publication of educational books or articles include N.Y. State 89 (1968), N.Y. State 204 (1971), N.Y. State 287 (1973), ABA 298 (1961) and ABA Inf. 1094 (1969).

Participants are reminded that they should avoid self-laudatory or promotional statements relating to themselves, their firms or their associates, and that they should not purport to give individual advice or to answer individual problems. Nor should they depict themselves or allow themselves to be depicted as specialists. See e.g.: EC 2-14, DR 2-105(A) and N.Y. State 287 (1973). Participants are also reminded that it would be improper for a lawyer to promote, inspire or encourage a newspaper to publish a report highlighting his attendance or participation in such a program. Incidental dignified promotional publicity initiated by the newspaper in publicizing the series would not, however, render participation inappropriate. See e.g.: N.Y. State 100 (1969), N.Y. State 196 (1971), N.Y. State 283 (1973), N.Y. City 873 (1969), Matter of Connelly, 18 A.D. 466, 478, 240 N.Y.S. 2d 126, 138 (1st Dept. 1963).

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