



Committee on Professional Ethics

Opinion #373 - 2/26/75 (55-74)

Topic: Advertising: Use of Professional Letterhead to Solicit Charitable Contribution.

Digest: Improper to use lawyer's letterhead to circularize appeal for charitable contribution except to fellow lawyers.

Code: DR 2 -101(B); 104(A)(1);
EC 9-6;
Canon 6

QUESTION

May an attorney use his professional letterhead for the purpose of soliciting charitable contributions?

OPINION

A lawyer's letterhead should not be used as a means of publicizing himself as a lawyer. Solicitation for charity on a professional letterhead, however worthy, would serve to call attention to the writer's professional availability and would be tantamount to self-advertising, contrary to the spirit of DR 2-101(B). At the very least, it would expose the lawyer to the suspicion that such was its veiled purpose, and thus create an appearance of impropriety which the lawyer should strive to avoid. Canon 9; EC 9-6.

N.Y. City 880 (1971) held it to be improper for a lawyer to use his professional letterhead to enlist support for a political candidate, stating:

"The sole function and purpose of a law firm, as distinguished from its members as individuals, is to engage in the practice of law, and the law firm's letterhead is intimately related to its practice. The inherent danger of abuse in law firms using political solicitations for candidates to publicize the firm is apparent. There is a clear distinction between publicity by a law firm and publicity by a non-practice oriented group of lawyers such as Bar Association Committees, ad hoc lawyers committees and the like."

ABA Inf. 494 (1961), quoted with approval from ABA 110, as follows:

"A lawyer may not use his letterhead for the purpose of writing circular letters. Use of a lawyer's letterhead should be confined to business connected with his legal

practice and with those with whom he has sustained business relations in connection with his law practice".

For the reasons stated, it would be improper for a lawyer to use his professional letterhead to circularize an appeal for charitable contributions.

However, it would not be improper to use his office letterhead in the solicitation of charitable gifts from fellow lawyers as the reasons set forth above would be inapplicable. See, N.Y. County 551 (1966).
