

New York State Bar Association

Committee on Professional Ethics

Opinion 756 – 3/13/02

Topic: Advertisement of Legal Services;
Street Address; Web Site or E-mail
Address

Digest: Legal services advertisement may
not list Web site or e-mail address
as sole address, but must also
include street address of lawyer's
office.

Code: DR 1-102(A)(4), 2-101(A), 2-
101(D), 2-101(K); EC 2-10.

QUESTION

Must every advertisement of legal services include the street address of the lawyer or firm whose services are being offered or is it sufficient for the advertisement to include only a website or e-mail address?

OPINION

DR 2-101(K) requires that "all advertisements of legal services shall include the name, office address and telephone number of the attorney or law firm whose services are being offered." With the proliferation of the Internet, the World Wide Web and the use of electronic mail, the question arises whether an attorney may satisfy this mandate by use of a website address or e-mail address without the attorney's street address.

In N.Y. State 709 (1998) the Committee considered the use of the Internet to advertise and conduct a law practice. In the section of that opinion on advertising on the Internet, we observed both that "the Code's advertising rules are intended to protect the public from false and misleading advertisements" and also that "there is no ethical distinction to be drawn among different forms of advertising directed to a general population."

While we have found no explicit definition of the words “office address” as used in DR 2-101(K), we believe the use of a web site or e-mail address as the sole identifier of a firm’s office address does not satisfy the requirement of DR 2-101(K). See DR 1-102(A)(4), DR 2-101(A) and DR 2-101(D). Prior to the advent of the Internet, the accepted meaning of the words “office address” was a physical, street address at which the principal office of the firm or lawyer offering legal services is located and to which mail, express deliveries and other communications can be addressed. The dictionary definition is instructive: “[a] place where business is conducted or services are performed <a law office>.” *Black’s Law Dictionary* 1112 (7th Ed. 1999).

That definition, with its emphasis on a physical place, served – and serves – several useful purposes. Consistent with the goal embodied in EC 2-10, the provision of a street address in advertising of a lawyer’s or law firm’s services should facilitate a prospective client’s ability to make an intelligent selection of a lawyer. The absence of a street address in a widely disseminated advertisement could be misleading by suggesting a physical proximity to the recipient that does not in fact exist and by suggesting the ability to serve in jurisdictions in which the advertising firm or lawyer is not qualified to practice. See DR 2-101(A), DR 2-101(D).

The requirement of a street address in lawyer advertising also serves the same purposes as Judiciary Law §470, which requires non-resident New York attorneys to maintain an “office for the transaction of law business ... within the state.” The basic purpose of that requirement is to ensure that attorneys practicing in this state are amenable to contact by their clients, adversaries and other interested parties. See *Lichtenstein v. Emerson*, 171 Misc. 2d 933, 656 N.Y.S.2d 180 (Sup. Ct. 1997), *aff’d* 251 A.D.2d 64, 674 N.Y.S.2d 298 (1st Dep’t 1998); *White River Paper Co. v. Ashmont Tissue, Inc.*, 110 Misc. 2d 373, 441 N.Y.S.2d 960 (Sup. Ct. 1981). Similarly, the requirement that an advertisement include the street address of the advertising attorney facilitates the ability of a client or prospective client to find the attorney and meet with the attorney at a known physical location. The indication of a physical address also facilitates the personal service or delivery of legal papers and other correspondence where that mode of delivery is elected.

Nothing in the advent of the Internet and the World Wide Web leads us to believe that there has been any change in that accepted definition of “office address” or in the salutary purposes it advances. See N.Y. State 709, *supra*, and opinions cited therein.

Thus we believe that the inclusion of a web site or e-mail address as the sole address in an advertisement of legal services does not satisfy the requirement of DR 2-101(K) and we conclude that every such advertisement

must include, *inter alia*, the street address of the office of the advertising lawyer or law firm.

CONCLUSION

Advertising for legal services may not list a website or email address as the sole address, but must also include the street address of the lawyer's office.

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