

Nebraska Ethics Advisory Opinion for Lawyers
No. 75-11

SUBJECT TO THE GUIDELINES CONTAINED IN THE CONCLUSION OF THIS OPINION, AN ATTORNEY MAY PARTICIPATE IN SEMINARS SPONSORED BY EITHER PROFIT OR NON-PROFIT ORGANIZATIONS IF THE PRINCIPAL PURPOSE OF THE SEMINAR IS TO EDUCATE THE PUBLIC IN A GENERAL WAY ON LEGAL ISSUES, AND SUCH PARTICIPATION IS PERMISSIBLE EVEN THOUGH THE SEMINAR IS NEITHER CONNECTED WITH NOR SPONSORED BY THE NEBRASKA STATE BAR ASSOCIATION. AN ATTORNEY MAY NOT, HOWEVER, PARTICIPATE IN A SEMINAR WHERE ITS SPONSOR IS A PROFIT-ORIENTED ORGANIZATION, AND WHERE ONE OF THE PURPOSES OF THE SEMINAR IS TO INTEREST THE PUBLIC IN PURCHASING THE PRODUCT OR SERVICES OF THE SPONSOR (FOR EXAMPLE: SEMINARS SPONSORED BY LIFE INSURANCE COMPANIES, PENSION AND PROFIT-SHARING AGENCIES, STOCK BROKERS, BANKS AND TRUST COMPANIES, ETC.).

FACTUAL BACKGROUND

The inquirer asks if it would be proper to participate in an estate-tax planning seminar sponsored by a stock brokerage firm. We assume that the sponsor hopes to indirectly benefit by the sale of securities to trusts or other entities that might be elected as part of an estate-tax plan. The Executive Council of the State Bar Association also requests a general opinion on the subject.

DISCUSSION

There have been several formal and informal opinions issued on the above subject by the American Bar Association. The following listing is not intended to be exhaustive, but it is representative of these prior opinions:

- a) Informal Opinion No. 840 dated 9-23-65 ruled

that it was proper to participate in a seminar if its purpose is educational in nature, but it is improper to participate if the purpose of the seminar is to publicize or to make money for its sponsors, the lawyer, or others. The Committee felt that this caution would ban participation in seminars by life insurance companies, trust companies and others where the purpose was to promote their own business.

b) Informal Opinion No. 528 dated 7-23-62 approved participation in a local radio program where a panel of lawyers would answer questions of a general nature from the public. Specific advice on a particular legal question was, of course, prohibited. The program was presumably free of commercial sponsorship.

c) Informal Opinion No. 503 dated 3-22-62 (Section a.) approved the participation by attorneys on panel programs before clubs and organizations on legal subjects, with the same prohibition against specific advice on particular questions from the audience. Once again, the sponsorship was presumably non-commercial.

d) Formal Opinion No. 162 dated 8-22-36 and Informal Opinion No. 538 dated 5-31-62 held that it was proper for a lawyer to write articles on legal subjects in newspapers, magazines or trade journals. Once again, specific advice was prohibited.

e) Formal Opinion No. 298 dated 4-15-61 held that attorneys and judges may appear as panelists on non-commercial, public information radio or television programs.

f) Informal Opinion No. 230(g) dated 7-27-61 held that lawyers and judges could appear on public information radio and television programs dealing with legal issues even though the programs were commercially sponsored. The specific program was "Meet the Press" and the Committee put considerable emphasis on the high quality and good reputation of this particular program; thus the commercial sponsorship did not in

that case prohibit participation by the attorney.

CONCLUSION

It is the conclusion of the Committee that participation in legal seminars open to laymen (whether they be face to face or through the media of radio, television, newspapers, magazines or periodicals) are permissible if the main object is to generally educate the public on legal issues and if they are conducted in dignified and professional surroundings. The seminars may be sponsored either by Bar Associations, non-profit associations or profit-oriented organizations, but the clear purpose must in all cases be to educate the public and not to publicize or make money for the sponsor, the lawyer or others. The seminar participants may consist of lawyers, laymen or both. The lawyer may be properly paid for his participation in the seminar on a time-spent basis. The lawyer may not answer questions from the public concerning their specific individual legal problems. An announcement of the seminar and other written materials relating thereto may list the name of the lawyer and identify him as a practicing attorney. The announcement may not contain opinions as to the lawyer's qualifications nor designate him as a specialist in any certain field of law, although it may state that the lawyer has had experience in the particular field of law covered by the seminar.