

Nebraska Ethics Advisory Opinion for Lawyers  
No. 76-4

A LAWYER DESIRING TO DEVELOP A PRACTICE DEVOTED TO LEGAL RESEARCH IN ASSISTING OTHER LAWYERS MAY ADVISE OTHER ATTORNEYS OF HIS SERVICES BY ORAL STATEMENT, BY BUSINESS CARDS, BY MAILING NOTICE AND BY PUBLISHING NOTICES IN LEGAL JOURNALS, PROVIDED NO REFERENCE IS MADE TO ANY SPECIAL COMPETENCE IN THE FIELD OF LEGAL RESEARCH AND PROVIDED ANY SUCH STATEMENTS, CARDS AND NOTICES SHALL REFER ONLY TO HIS "AVAILABILITY" FOR LEGAL RESEARCH WITH NO MENTION OF OR REFERENCE TO "SPECIALIZATION" IN THAT AREA.

FACTS

The inquiring attorney requests answers to the following specific questions:

1. Is it ethical to approach an attorney personally and, in a brief and dignified oral statement, make the attorney aware of my services?

2. Is it ethical to leave with an attorney a business card stating my name, address, phone number, and my specialization in legal research?

3. Is it ethical to mail a notice, reading as follows, to attorneys:

"I am establishing a practice specializing in legal research. This service is open exclusively to members of the Nebraska State Bar Association, and is not available to nonmembers.

Address/Phone Number"

4. Is it ethical to post a notice in legal journals such as the Supreme Court Journal, The Nebraska Law Review, The Creighton Law Review, and daily legal journals in the state, reading as follows: "Attorney desires legal research. This service is open only to bar members. Address/phone number"

CODE PROVISIONS

The provision of the Code of Professional Responsibility applicable to the subject of your inquiry is DR 2-105(A)(3) which provides as follows:

"A lawyer available to act as a consultant to or as an associate of other lawyers in a particular branch of law or legal service may

distribute to other lawyers and publish in legal journals a dignified announcement of such availability, but the announcement shall not contain a representation of special competence or experience. The announcement shall not be distributed to lawyers more frequently than once in a calendar year, but it may be published periodically in legal journals."

In [Opinion No. 73-1](#) this Committee held that it is permissible to publish periodically in the Creighton Law Review and the Nebraska Law Review the inquirer's dignified statement of availability as a consultant to other lawyers; further, that it is permissible in a brief biographical statement accompanying an article on securities law in a legal journal (such as a Law Review or other legal publication circulated primarily to lawyers) to state that the author is available as consultant to other lawyers, but it would not be proper to state that the author specialized in or is principally engaged in the practice of a limited field of law for a specified number of years.

In [Opinion No. 72-9](#) we ruled that it is not improper for a lawyer to make known to city and village attorneys his availability to act as an associate to them in the general revision and codification of ordinances for cities of the first and second classes and for villages.

#### CONCLUSION

In light of the foregoing, your four specific questions are answered as follows:

1. Yes, provided the oral statement makes no reference to any special competence in the field of legal research.
2. Yes, provided that the word "specialization" is eliminated from the business card and a word such as "availability" is substituted.
3. Yes, provided the first sentence is amended to read: "I am establishing a practice where I will be available to do legal research" and provided further that the announcement is not mailed more frequently than once in a calendar year.
4. Yes.