

Nebraska Ethics Advisory Opinion for Lawyers
No. 78-1

IT IS PROPER FOR AN ATTORNEY TO PARTICIPATE IN AN INTERVIEW AT THE REQUEST OF A REPORTER FROM A LOCAL NEWSPAPER, WITH OR WITHOUT PHOTOGRAPHS, SO LONG AS THE NEWS ARTICLE IS LIMITED TO THE INFORMATION PERMITTED BY THOSE OF THE 25 GUIDELINES LISTED UNDER DR2-101(B) WHICH ARE DEEMED NEWSWORTHY AS DISTINGUISHED FROM INFORMATION DEEMED TO CONSTITUTE COMMERCIAL ADVERTISING, AND PROVIDED DR2-101(A) AND (H) ARE COMPLIED WITH.

[OPINION NO. 74-11](#) IS HEREBY RESCINDED.

DISCUSSION

[Opinion No. 74-11](#) was based upon the prohibitions against lawyer advertising which were embodied in DR2-101 (A) and (B) as in effect prior to the Amendments to the Code adopted by the Nebraska Supreme Court in November 1977.

Inasmuch as such Amendments permit advertising by lawyers within certain guidelines, the prohibitions against advertising contained in [Opinion No. 74-11](#) are no longer applicable.

DR2-101 (A) and (B) as presently in effect permit a lawyer to publish or broadcast certain factual information in defined media. This Committee feels there is a distinction between permitted commercial advertising on the one hand, and participation in an interview with a newspaper which is of general news interest, on the other. The purpose of the former is to aid prospective clients in the intelligent selection of an attorney; the purpose of the latter is the dissemination of news which is of interest to the general public. The news article, therefore, should not contain information concerning fees and hourly rates, office hours, or whether credit cards are accepted, for example, as that is the type of factual data which is appropriate to direct

commercial advertising, and should not be permitted to be indirectly slipped into the news article under the guise of being generally newsworthy.

Further, the constraints of DR2-101 (A) and (H) would still apply. The information given to the reporter should not contain any false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim. The attorney should not compensate or give anything of value to the reporter in anticipation of or in return for professional publicity in a news item.

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