

Nebraska Ethics Advisory Opinion for Lawyers
No. 72-12

IT IS NOT IMPROPER FOR A LAWYER TO BE NAMED AS A SPONSOR OF A COMMUNITY ACTIVITY AS LONG AS HE IS NOT IDENTIFIED AS A LAWYER NOR HIS BUSINESS ADDRESS IS SHOWN IN THE ANNOUNCEMENT, ALTHOUGH THE PRACTICE IS NOT TO BE ENCOURAGED.

The applicable Disciplinary Rule of the Code of Professional Responsibility is DR2-101(B) which provides in part as follows:

"A lawyer shall not publicize himself, his partner, or associate as a lawyer through newspaper or magazine advertisements, radio or television announcements, display advertisements in city or telephone directories, or other means of commercial publicity, nor shall he authorize or permit others to do so in his behalf except as permitted under DR2-103."

The issue is whether or not permitting a lawyer's name to be included as a sponsor of worthwhile events such as charity balls, church affairs, and other similar public events, is prohibited by the traditional ban on a lawyer's advertising himself and therefore soliciting business. The Standing Committee on Legal Ethics of the ABA addressed itself to this question in Informal Opinion C-432 in 1961. The pertinent portion of this opinion provides as follows:

"Even if the lawyer was not designated as such in the advertisement for list of sponsors, it would seem to be improper for his business address to be shown, since the only apparent purpose of showing such address would be to enable persons to locate him. In the case of local newspaper advertisements for institutional. charitable

and community events or purposes it is not improper for a lawyer's name to be shown as a contributor or supporter or sponsor, provided it is not indicated that he is a lawyer and his business address is not shown. The same would apply to his name appearing in high school or college yearbooks or in programs of charitable or church affairs, police and firemen's balls or similar public affairs. However, it is the opinion of this Committee that such practice should not be encouraged. Many lawyers decline to have their names printed in journals, programs or advertisements under any circumstances. However, a mere contribution to the cause sometimes inures solely to the benefit of the newspaper publishing the complimentary page and would not fully accomplish the purpose for which these pages are run. Generally speaking, it seems to the Committee that there ought to be some direct connection between the lawyer and the institution, occasion or event which is being publicized, or it should be something of such general interest in the community that lawyers generally, as public-spirited citizens, might be reasonably expected to participate in. . ."

The Advisory Committee is of the opinion that while the practice is not to be encouraged, it is not unethical for a lawyer to be named as a sponsor of a community activity as long as he is not identified as a lawyer nor his business address shown in the announcement.