

Nebraska Ethics Advisory Opinion for Lawyers
No. 76-1

AN ATTORNEY WHO CHANGES THE LOCATION OF HIS OFFICE IN THE COMMUNITY WHERE HE PRACTICES LAW MAY COMMUNICATE THIS INFORMATION BY A BRIEF PROFESSIONAL ANNOUNCEMENT CARD WHICH MAY BE MAILED TO LAWYERS, CLIENTS, FORMER CLIENTS, PERSONAL FRIENDS AND RELATIVES.

INCIDENTAL TO THE OPENING OF THE NEW OFFICE, HE MAY PROPERLY HAVE AN OPEN HOUSE AND SERVE REFRESHMENTS TO THE INVITEES PROVIDED THE GUESTS ARE LIMITED TO CLIENTS AND OTHER ATTORNEYS.

QUESTIONS POSED

An attorney practicing in leased office space purchased a building and has removed his office thereto. He has not previously sent out professional announcements, but desires to herald his change of office location by mailing same and inviting the addressee to a day-long open house at the office at which refreshments will be served. He inquires as to the propriety of sending out such announcements and of holding an open house at the new location.

CODE PROVISIONS, CITATIONS, AND DISCUSSION

DR 2-102 (A)(2) of the Code of Professional Responsibility, provides in part:

"A brief professional announcement card stating new or changed associations or addresses, change of firm name, or similar matters pertaining to the professional office of a lawyer or law firm, which may be mailed to lawyers, clients, former clients, personal friends and relatives... is permissible to give notice of a lawyer's

change of office address."

The propriety of holding an open house at a new office and of serving refreshments to invitees does not appear to have been ruled upon squarely by the American Bar Association Committee on Ethics and Professional Responsibility or by our Advisory Committee. However, Informal Decision 623 of the American Bar Association Committee is helpful in resolving the questions posed here. This decision was rendered March 11, 1963, prior to the adoption of the Code of Professional Responsibility, but the principles stated therein are equally valid under the New Code. In that decision, the Committee said:

"You have inquired of this Committee whether it is unethical for a law office to hold an 'open house' at the opening of its new offices or upon the redecoration and refurnishing of its old offices, to which lawyers, public officials and prominent business men are invited.

"Canon 27 provides that it is unprofessional to solicit professional employment by circulars, advertisements, through touters or by personal communications or interviews not warranted by personal relations. Indirect advertisements of all kinds except the customary use of simple professional cards, are improper...

"The Committee has held that a lawyer opening an office, or removing to a new address, or admitting new members, or having a partner or associate returning from government service or entering military service, may send a notice thereof to persons with whom 'he has already established such personal relations as would reasonably justify a belief that he enjoys the friendship and confidence of such person to such extent that the person receiving the announcement will consider it news of

genuine interest and value.' Within such limitations an announcement of the opening of a new office could be properly sent to those individuals with whom personal relations warranted...While in many cases the invitation to an open house extended to 'public officials and prominent business men' is doubtless prompted simply by the natural pride of the attorneys in the appearance and furnishings of the office, nevertheless, the necessary effect of any such open house or invitation to it, in the opinion of the Committee, constitutes advertising prohibited by Canon 27."

The opinion concludes that:

"It is not improper for attorneys to entertain their clients and other attorneys in their offices or elsewhere, but judgment should be relied upon to keep such entertainment within proper limits."

CONCLUSION

We conclude that it is not improper for an attorney to send out announcements of the opening of his new law office by brief professional announcement cards mailed to lawyers, clients, former clients, personal friends and relatives.

We conclude further that in connection with the opening of his new office he may properly have an open house and serve refreshments to the invitees provided the guests are limited to clients and other attorneys.