

Nebraska Ethics Advisory Opinion for Lawyers
No. 78-7

A LAWYER OR A LAW FIRM MAY NOT ETHICALLY PLACE THE NAME OF SUCH LAWYER OR LAW FIRM WITH ADDRESS AND TELEPHONE NUMBER ON THE PAMPHLETS THAT ARE MADE AVAILABLE BY THE NEBRASKA BAR ASSOCIATION FOR THE GENERAL INFORMATION OF THE PUBLIC.

FACTS

The Nebraska State Bar Association presently furnishes nine brochures with a display rack at nominal cost to Nebraska lawyers. The titles to these brochures are: "What to do in Case of an Automobile Accident," "Wills," "Are You Sure You Want to Sign That?," "Landlord Tenant Law," "Joint Tenancy," "Buying a Home," "Be a Good Witness," "Small Claims Court," and "When You Need a Lawyer."

INQUIRIES MADE

A lawyer practicing in the State of Nebraska inquired as follows:

1. Would it be unethical to have a rubber stamp or a stick-on label with our firm's name, address, telephone number, and our individual names applied to these pamphlets?
2. Is this a permissible form of advertising?

DISCUSSION

The ultimate question seems to be, "Does the use of the brochures supplied by the Nebraska Bar Association as a vehicle for advertising by an individual lawyer or firm by placing the name of the lawyer or firm with address and telephone number thereon, violate the Code of Professional Responsibility of the Nebraska State Bar Association?"

DR2-102 (A) provides, "A lawyer or law firm shall not use or participate in the use of professional cards, professional announcement cards, office signs, letterheads, or similar professional notices or devices, except that the following may be used if they are in dignified form:"

Here follows in some detail four exceptions. None of these exceptions seem to be broad enough to permit the activity of which was inquired notwithstanding the liberalization of DR2-101 on publicity.

Certainly if the Nebraska State Bar Association brochures are made available in a display rack in the office of a lawyer, all of such lawyer's clients will know where they came from and said lawyer will be given credit for furnishing the brochures.

It is the conclusion, therefore, that both of the inquiries must be answered in the negative.

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