

Committee Opinion
January 26, 1989

LEGAL ETHICS OPINION 1164

ADVERTISING – PREPAID LEGAL
SERVICES PLAN: LAW FIRM'S
PARTICIPATION.

You have asked the Committee to consider the propriety of your firm being among the other law firms in your area recommended to members of a prepaid legal service plan. You have recently received a letter and brochure from a prepaid legal services plan whose members may use the attorney of their choice or may choose one of the attorneys or law firms on a list recommended by the prepaid legal services plan. The company is requesting permission to advertise your firm and area of practice to their members.

The Committee previously opined in LE Op. 1029 that the proposed advertising relating to a legal corporation which will serve as a private lawyer referral service was not in violation of the Code of Professional Responsibility, provided that it conformed to the standards of DR:2-101 or DR:2-103 as appropriate, pursuant to DR:2-103(D). The Committee has reviewed the brochure and believes that as long as the material enclosed in the brochure is neither deceptive or misleading nor presents any false statement or claim, including, but not limited to, any implication that a lawyer or law firm recommended by the company is a recognized or certified specialist unless the lawyer or the law firm's practice is primarily in the area of patents and trademarks or admiralty, pursuant to DR:2-104(A)(1). The Committee would also direct your attention to LE Op. 467 in which the committee opined that it was ethically proper for an attorney to participate with a private referral service provided the attorney exercises his independent, professional judgment solely in the best interest of the client. (See EC:2-17 and EC:2-18)

The Committee opines that your affiliation with the prepaid legal services plan for the purpose of its referring some of the plan members of your office for employment is not in violation of the disciplinary rules or ethical considerations governing the advertisement or marketing of such service based on the facts presented in your inquiry.

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