

Committee Opinion
January 31, 1989

LEGAL ETHICS OPINION 1175

ADVERTISING – LAWYER REFERRAL
SERVICE: ATTORNEY PARTICIPATING
IN MISLEADING ADVERTISEMENT.

You have submitted an advertisement for legal services in the area of personal injury matters. You are concerned that the advertisement does not set forth whether it is a referral service or an advertisement listing an individual law firm's phone number. You wish to know whether such advertising is ethically permissible by a referral service or an individual attorney or law firm.

The Committee would direct your attention to LE Op. 926 and LE Op. 1029 which in the view of the Committee are dispositive of your inquiry. The Committee opined that an attorney shall not list himself or his law firm as a lawyer referral service in the yellow pages when calls to the listed referral service go directly to the attorney's office. (See LE Op. 926) The committee found that the name of a lawyer referral service was misleading if it appeared to imply a law firm rather than a lawyer referral service. The Committee suggested that a disclaimer be placed at the end of the advertisement indicating that “the group” or referral service was not a law firm. (See LE Op. 1029)

The Committee opines that the advertisement referred to in your inquiry is in violation of DR:2-101(A) and (B), DR:2-102(A) and DR:2-103(A) and (D) of the Code of Professional Responsibility. It is improper for an attorney or his law firm to participate in any form of public communication or advertisement which contains information that is false, fraudulent, misleading or deceptive. It is improper for a public communication for which an attorney has given value not to be identified as such or at least apparent from the context that it is such. The enclosed advertisement is on its face misleading because it does not state whether it is a law firm or lawyer referral firm. It is improper for an attorney or law firm to participate in a lawyer referral service plan whose public communication or advertisement is not in conformity with DR:2-101 and DR:2-103 as appropriate.

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