

You have indicated that an attorney wishes to form a non-profit corporation which will solicit grants from foundations to include, without limitation to, the following objectives:

- a) Prepare and distribute brochures for attorneys listing drug treatment centers;
- b) Provide speakers and seminars for attorneys on how to deal with clients who have a drug addiction;
- c) Sponsor periodic luncheons with featured speakers knowledgeable about anti-drug efforts.

You have asked questions with regard to the propriety of an attorney forming and participating in such an organization as well as some of its activities mentioned above. The Committee will address each question in the order in which it was presented in the inquiry. Furthermore, the Committee will assume that none of the corporation's activities will consist of the practice of law or providing legal assistance to others since there are no additional facts to the contrary provided in the inquiry. Although the Committee is of the opinion that a lawyer must always refrain from all illegal and ethically reprehensible conduct regardless of whether the practice of law is involved, in order to encourage public confidence in the legal profession, the Committee is unaware of any Disciplinary Rules which specifically address your issues. (See EC:1-5)

1. It is not improper to use the word "Lawyer" in the title of the non-profit corporation, unless any false, fraudulent, misleading, or deceptive statement or claim has been made by the context in which the word is used. (See DR:2-101(A) and DR:2-102(B))
2. Questions regarding whether attorneys can function as incorporators, directors and officers of such an entity and whether the corporation can solicit funds for the preparation of materials for distribution to other attorneys are legal issues pertaining to the formation of the corporation and its activities which are beyond the purview of this Committee.
3. Since you have raised the matter of solicitation of other bar members to participate in the contemplated corporation, the Committee will refer your inquiry regarding whether the corporation may offer membership in the proposed organization to Virginia State Bar members to the Executive Director of the Virginia State Bar who will address the issue.
4. The corporation may distribute materials, hold seminars, and sponsor meetings and luncheons, charging a fee for attendance, as long as none of the materials or participants involved in such solicitation engage in any form of public communication which contains a false, fraudulent, misleading, or deceptive statement or claim or in any division of legal fees with non-lawyers.