

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-50
Issued: September 1971

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question: May an attorney appear on a commercially sponsored radio program financed by a real estate firm in a public service context to discuss various phases of real estate work and legal problems involved in real estate transactions?

Answer: Yes.

OPINION

May an attorney appear on a commercially sponsored radio program financed by a real estate firm in a public service context to discuss various phases of real estate work and legal problems involved in real estate transactions? The listeners would be advised and invited to telephone specific questions and the Committee has been assured that the following procedures would be strictly complied with:

- (1) Several attorneys would appear from time to time on the program, thus eliminating any suggestion of endorsement of any one particular attorney by the station or sponsor of the program although the attorneys appearing might generally be engaged in the real estate practice.
- (2) None of the attorneys so appearing on the program will be identified as representing the real estate firm which sponsors the program nor would any inference be raised that the attorneys so appearing were endorsing the sponsoring real estate firm.

Under these limitations it would appear that there would be no ethical impropriety on the part of the attorneys so appearing on the radio program. So called "public service programs" dealing with the law and the legal profession are to be encouraged. On the other hand the Code of Professional Responsibility strictly and properly condemns any hint of commercialism, advertising or endorsement either by or for an attorney in connection with commercial activity as an attorney.

If the format of the program is kept in good taste and dignity within the guidelines as outlined, no ethical problems could result and in fact such programs could and perhaps

should be encouraged by local Bar Associations be they commercially sponsored or public service efforts by the radio station involved.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.