

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-118
Issued: July 1975

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>), before relying on this opinion.

Question: May a lawyer permit his client to identify him (the lawyer) as the client's lawyer in the client's commercial advertising?

Answer: No.

Reference: DR 2-101(B)

OPINION

A company which expects to rent sign boards has prepared a pamphlet for distribution to prospective customers. The company's lawyer wants to know if he may permit the company to identify him by name as the company's lawyer in the pamphlet.

He may not. DR 2-101(B) states "A lawyer shall not authorize or permit others to [publicize himself] in his behalf except as permitted under DR 2-103." DR 2-103 is unrelated to the case in question. DR 2-101(B) itself sets out five exceptions to the general rule, into none of which the case in question falls. It does not matter that the motivation for using the lawyer's name comes entirely from the client and not at all from the lawyer. Publicity of the lawyer is the necessary result. Presumably such publicity would benefit him, so it would be done "in his behalf" regardless of his client's intentions in using his name.

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.