

FORMAL OPINION NO. 72*

The opinion of the Committee has been asked upon the following questions:

1. May an attorney seek legal or law-related employment by advertising in a newspaper and stating therein that he is an attorney, using his name or a "blind" post office box number?
2. May an attorney seek non-legal employment by advertising in a newspaper and stating therein that he is an attorney, using his name or a "blind" post office box number?
3. May an attorney utilize the services of a job placement organization which may advertise in a newspaper that an attorney is seeking either legal, law-related, or non-legal employment?

We assume that the three questions all relate to employment outside the private practice field and as house counsel or, in the case of Question No. 2, as a full-time employee by a firm in a law-related capacity.

The advertisement process for attorneys in their relationship to a direct clientele is fully and clearly set out in DR 2-102 of the Code of Professional Responsibility.

The purpose of the disciplinary rule concerning publicity is aimed at prohibiting direct solicitation of business for gain by an attorney for such activity is deemed disreputable and tends to breed litigation and diminish the reputation of the profession generally.

The thrust of the questions at hand would not necessarily involve the principles set forth above if the advertisement is in a newspaper or journal which would fall within the definition of a reputable law list or legal directory. That is to say, a lawyer is not ethically remiss in seeking a position as house

counsel in an advertising media aimed at the persons who are interested in employing house counsel as opposed to a public newspaper of general circulation. The content of such an advertisement is generally defined in DR 2-102(6).

The agency covered in Question No. 3 would be bound by the same general guidelines and prohibitions hereinabove contained.

Question No. 2 presents a slightly different problem. The Code of Professional Responsibility at DR 2-102(3) seems to prohibit a lawyer from identifying himself as a lawyer in connection with any other profession or business. It would, therefore, be our opinion that if employment placement is being sought for a non-lawyer position, the standing of the admitted lawyer should be omitted. This would not otherwise bar an applicant from divulging his biographical background, but does bar the lawyer from advertising his standing as such in seeking a non-legal placement.

DATED this 22nd day of January, 1974.

*This opinion would now appear to be overruled by Bates v. State Bar of Arizona, 433 U.S. 350 (1977). See, DR 2-102(E) which allows, in connection with a lawyer's name, the use of "an earned degree or title derived therefrom indicating his training in the law."