

FORMAL OPINION NO. 73\*

The opinion of the committee has been asked upon the following question:

Is it permissible for a partnership that is taking in a new partner to publish the announcement card otherwise being mailed out, in the daily newspaper?

It is the opinion of the committee that publication of a professional announcement card in a newspaper or other media is prohibited under the provisions of Canon 2, DR 2-102(A)(1) of the Code of Professional Responsibility. The ban against advertising by lawyers is traditional and is rooted in the public interest. There are some rather specific limited exceptions set forth in the canon cited above but the clear direction of the present Code and Canon 27 of the former applicable Code of Professional Ethics is that announcements which originate from the concerned attorney or his firm or associates are not permitted if it is to be offered through the media to the general public.

The rule provides that "A lawyer shall not publicize himself, his partner or associate . . . through newspapers . . . or other means of commercial publicity, nor shall he authorize or permit others to do so in his behalf. . . ." Notwithstanding the clear admonition of the rule quoted in part above, the committee recognizes that in some areas it is a customary practice for newspapers to voluntarily carry, as a normal business news item, the opening of a new law office, the addition of a new member or a new partnership. We believe this must remain the concern of the local bar association so long as it is done, if at all, so as to report the matter with dignity and totally without laudatory references such as past honors or achievements and without any suggestion that the attorney possesses special qualifications.

DATED this 11th day of March, 1974.

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\*This Opinion is obsolete. See, Bates v. State Bar of Arizona, 433 U.S. 350 (1977). See also, DR 2-102 of the Code of Professional Responsibility as it currently exists.