

FORMAL OPINION NO. 59\*

The question concerns the propriety of a broad advertising program to acquaint the public generally with the need for legal services, and in particular to inform the indigent of the free legal services available from your legal service corporation.

The organization is funded by the Federal Office of Economic Opportunity with 20% in-kind services provided on a voluntary basis by members of the Bar.

In our view the program outlined and proposed to be implemented is entirely proper and does not offend the Code of Professional Responsibility.

Our profession has consistently recognized that free legal clinics carried on by the organized bar are not ethically objectionable. Rendering gratuitous legal aid to the poor is an obligation of the profession, whether performed through legal aid organizations such as yours or by individual lawyers. Further, acquainting the general public with the expert services the legal profession may provide, where not actuated to secure greater professional employment for individuals is proper (A.B.A. Informal Opinion No. 888).

With respect to the manner of presenting the advertising program, A.B.A. Opinion No. 179 provides four general admonitions:

"First, it should be carried on by the organized bar (in this instance the public service corporation) in order that any semblance of personal solicitation will be avoided.

"Second, that the purpose is to give the layman beneficial information, to enable lawyers as a whole to render a better professional service, to promote order in society, to prevent controversy and litigation and to enhance the public esteem of the legal profession, the judicial process and the judicial establishments, should be made plain.

"Third, it must in fact be motivated by a desire to benefit the lay public and carried out in such a way as to avoid the impression that it is actuated by selfish desire to increase professional employment; and any plan, however well intended, that on trial fails to convince the lay public that the purpose is to benefit the layman and not to promote professional employment should be promptly abandoned.

"Fourth, it should be carried on in a manner in keeping with the dignity and traditions of the profession."

Finally, it is most important, since the corporation is subsidized through public moneys and donated legal services, that it meticulously screen those requesting free legal service so that the free services are provided only for the indigent and not to those who can afford to pay for legal service. To do otherwise would unfairly place your corporation in competition with the private practicing attorney.

DATED this 8th day of December, 1972.

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\*This opinion is obsolete. See, Bates v. State Bar of Arizona, 433 U.S. 350 (1977); DR 2-101, Code of Professional Responsibility.