

FORMAL OPINION NO. 67\*

The Ethics Committee of the Idaho State Bar has been solicited for an opinion concerning the propriety of an attorney undertaking the representation for the Associated Students of Idaho State University. The salient features of the proposed program seem to be that the services to be performed involve counseling on campus for a specific number of hours per week and, in the event that litigation might be involved, the individual student member would select and compensate his own attorney for the conduct of such litigation; further, that no pre-screening or advice would be given by any other person and that the compensation for the retained counsel would be paid by the Student Body Association.

The ethical problems that can arise from situations of this nature are grounded in Canons 27, 35 and 47. The gist of the foregoing canons is that it is unprofessional to solicit professional employment not warranted by personal relations, that professional services of a lawyer cannot be controlled by any lay agency, and that no lawyer may permit his professional services to be used so as to result in the unauthorized practice of law by any lay agency.

It would not appear that any of the foregoing canons would prohibit the program as proposed. It is professionally proper for an attorney to acquaint the lay public with the expert services the legal profession is able to render (ABA Informal Opinion No. 888). Special care must at all times be exercised in avoiding the clear intendments of the foregoing canons as well as DR 2-103(D) (5), DR 2-103(D), and DR 5-107.

DATED October, 1973.

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\*DR 2-103(D) (5) does not exist in the current Code of Professional Responsibility. See also, DR 5-107.