

FORMAL OPINION NO. 99\*

The following question was submitted to the Ethics Committee of the Idaho State Bar:

Is an informal, unsolicited proposal by a private Idaho attorney or law firm to serve as Public Defender of an Idaho County that has not officially adopted or expressed an intent to adopt a Public Defender System a violation of any current disciplinary rule under Canon 2 of the Code of Professional Responsibility?

It is the opinion of the members of the Committee signing this opinion that it is a violation of Canon 2 of the Code of Professional Responsibility to do the acts as outlined in the question. DR 2-103(A) says:

"A lawyer shall not recommend employment, as a private practitioner of himself, his partner, or associate to a nonlawyer who has not sought his advice regarding employment of a lawyer."

It does not appear to the Committee that the case of Bates v. State Bar of Arizona, 433 U.S. 350 (1977) changes the result of this opinion.

DATED this 1st day of August, 1977.

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\*See, I.S.B. Opinion No. 62 (August 1, 1977).