

Withdrawn/June 13, 2016
Committee Opinion
September 19, 1986

LEGAL ETHICS OPINION 821

ADVERTISEMENTS.

An industrial marketing firm solicited the business of two attorneys who had an office sharing relationship, but were not partners. The firm marketed professional services to industrial credit unions. The firm requested the attorneys pay a fee to the marketing firm to produce a brochure and market it to the credit union members. The prepared brochure listed both attorneys under one heading and did not state that the attorneys paid the firm a fee.

In reviewing the proposed brochure, the committee determined that the brochure violated the Virginia Code of Professional Responsibility for the following reasons:

(1) The circular violated DR:2-102(C) because it seemingly represented the attorneys as being partners in the same firm.

(2) Disciplinary Rule 2-103(D) [DR:2-103] prohibits an attorney from compensating an organization that recommends or secures employment. The brochure appears to be a recommendation of the attorneys. Payment of a direct fee to the marketing firm for such a service is therefore contrary to the restriction of DR:2-103(D).

(3) DR:2-101(B) may be violated since a public communication for which a lawyer has given value must be identified as such.

(4) Finally, it does not appear that the marketing service qualifies as a legal services plan under Virginia Code § 38.2-4400 et seq. [DR:2-101(B), DR:2-102(C), DR:2-103(D)]

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