

**ETHICS OPINION NUMBER 74
OF THE MISSISSIPPI BAR
RENDERED SEPTEMBER 17, 1982
AMENDED APRIL 6, 2013**

ADVERTISING - Propriety of Attorney's Appearance on Public Service Newscast.

The Ethics Committee of The Mississippi Bar has received a proper request for the rendition of an opinion concerning the following hypothesized conduct, to wit:

The attorney has been asked to be part of a feature story on a local T.V. news station concerning bankruptcy and the legal aspects for filing the same. He was asked to comment on various aspects of the exemptions entitled to bankrupts, the mechanics of filing the bankruptcy itself, the effects generally of taking bankruptcy upon a person's credit reputation, and some aspect of the fees that are generally charged the bankrupts.

The format of the broadcast was to be a feature story on local evening news with no suggestions concerning solicitation of clients or that the attorney held himself as specializing in the field of bankruptcy law.

The American Bar Association Committee on Ethics and Professional Responsibility in Informal Opinion 1464 rendered November 10, 1980, addressed conduct very similar to the hypothesized conduct presented here. There, the question was the use of public service columns on areas of legal general interest. The ABA Committee opined passing on the issue presented to it in part as follows:

As early as 1928, the American Bar Association recognized that a lawyer may, with ethical propriety, write articles for newspaper publication in which he gives information about the law, so long as he does not thereby purport to give advice to particular persons about their individual rights. Canon 40, Canon's of Professional Ethics: Informal Opinion 538 (1962) . . . The Model Code of Professional Responsibility, as adopted in 1969, also recognized the propriety and desirability of articles by lawyers for publication in lay periodicals to educate members of the public to recognize legal problems, so long as the lawyers

do not emphasize their own experience or reputation and do not undertake to give individual advice. DR2-104(A) (4); EC2-5; EC2-5.

Rule 7.1(b), MRPC, prohibits lawyers from creating an unjustified, false or misleading expectation about results the lawyer can achieve. Rule 7.2(i), MRPC, prohibits lawyers from giving anything of value to a person for recommending the lawyer's services. Rule 7.3, MRPC, prohibits lawyers from soliciting professional employment by in-person live telephone or real-time electronic contact from a particular prospective client with whom the lawyer has no family, close personal, or prior professional relationship. Since none of these prohibitions seems to be implicated in the proposed television broadcast, the lawyer's participation would not violate the Mississippi Rules of Professional Conduct.