

Utah Ethics Opinions

Canon 20 & 27

1979.

54. USB EAOE Opinion No. 54

Utah State Bar

Ethics Advisory Opinion No. 54

Approved April 12, 1979

[Overruled by Opinion 98-15]

Summary: It is improper for an attorney to identify himself as an attorney in a letter to the editor.

Facts: The Ethics Committee has been asked to render a decision on whether or not it is proper for an attorney to write a letter to the editor of a local newspaper and identify himself as an attorney: (1) in a letter relating to law; or (2) in a non-legal letter.

Opinion: This matter was commented on in Informal Decision C-473 (1962). The opinion rendered included the following:

"Our Committee feels that generally speaking it is not unethical for an attorney to write for publication a letter to the editor of the newspaper in which he expresses a view point on public matters if, of course, he does not mention the fact that he is an attorney.

However, we do believe this opinion must be qualified to some extent. If the attorney represents a party in connection with the subject matter of the letter, we believe this would be improper under a broad interpretation of Canon 20 prohibiting newspaper discussion of pending litigation. As that Canon clearly states, newspaper publications by a lawyers are to be condemned unless made under extreme circumstances of a particular case, in which event it is unprofessional to make publications anonymously.

We also think that in a smaller city or town, even where the subject matter of the letter did not involve a specific client, such a letter could give the appearance of advertising which is condemned by Canon 27. This would be the situation where everyone knew the author of the letter was an attorney and the subject matter was of a controversial nature and one the could easily require the services of an attorney. Of course, (city) where your office is located, this consideration would not be equally relevant."

Rule Cited: