

**FORMAL OPINION NO. 2005-3**  
**Information About Legal Services:**  
**Disseminating Information Through the Media**  
**or Through Speeches**

**Facts:**

Lawyer is asked to do the following:

- (1) Write a column on legal matters for a local newspaper;
- (2) Answer legal questions sent in by readers of the newspaper;
- (3) Engage in the same types of conduct in a radio or television format; and
- (4) Speak to community groups, church groups, and the like on legal matters.

**Question:**

Is the above-described conduct consistent with rules of professional conduct on providing information on legal services?<sup>1</sup>

**Conclusion:**

Yes, qualified.

**Discussion:**

There is no suggestion in the foregoing facts that Lawyer or others acting on Lawyer's behalf intend to make any false or misleading communications about Lawyer or Lawyer's services within the meaning of Oregon RPC 7.1(a)(1).<sup>2</sup> *See also* Oregon RPC 8.4(a)(3) (prohibiting "conduct involving dishonesty, fraud, deceit or misrepresentation").

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<sup>1</sup> This opinion assumes that no lawyer-client relationship is created by these activities. *Cf. In re Weidner*, 310 Or 757, 801 P2d 828 (1990).

<sup>2</sup> Oregon RPC 7.1(a)(1) provides:

(1) A lawyer shall not make or cause to be made any communication about the lawyer or the lawyer's firm, whether in person, in writing, electronically, by telephone or otherwise, if the communication . . . contains a material misrepresentation of fact or law, or omits a statement of fact or law necessary to make the communication considered as a whole not materially misleading.

There also is no suggestion that Lawyer is paying for the privilege of being permitted to engage in the foregoing activities or that Lawyer's legal services are being improperly advertised. *Cf.* Oregon RPC 7.1(b), 7.2(a), 7.3(c).<sup>3</sup>

**Approved by Board of Governors, August 2005.**

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<sup>3</sup> Oregon RPC 7.1(b) provides, in part:

An unsolicited communication about a lawyer or the lawyer's firm in which services are being offered must be clearly and conspicuously identified as an advertisement unless it is apparent from the context that it is an advertisement.

Oregon RPC 7.2(a) provides, in part:

A lawyer may pay the cost of advertisements permitted by these rules and may hire employees or independent contractors to assist as consultants or advisors in marketing a lawyer's or law firm's services. A lawyer shall not otherwise compensate or give anything of value to a person or organization to promote, recommend or secure employment by a client, or as a reward for having made a recommendation resulting in employment. . . .

Oregon RPC 7.3(c) provides, in part:

Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of legal services in a particular matter shall include the words "Advertisement" in noticeable and clearly readable fashion on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication. . . .

COMMENT: For additional information on this general topic and other related subjects, see THE ETHICAL OREGON LAWYER §§2.13–2.15, 2.26 (Oregon CLE 2003); 2 GEOFFREY C. HAZARD, JR. & W. WILLIAM HODES, THE LAW OF LAWYERING §§54–57 (3d ed 2001); and ABA Model Rules 7.1–7.3. *Cf.* Washington Formal Ethics Op No 141 (lawyer's appearance on TV).