

FORMAL OPINION NO 2005-3

[REVISED 2021]

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?¹

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

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

of Oregon RPC 7.1.² *See also* Oregon RPC 8.4(a)(3) (prohibiting “conduct involving dishonesty, fraud, deceit or misrepresentation”).

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 7.2(b).³

Approved by Board of Governors, February 2021.

² Oregon RPC 7.1 provides:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

³ Oregon RPC 7.2(b) provides:

A lawyer shall not give anything of value to a person for recommending the lawyer’s services except that a lawyer may

- (1) pay the reasonable costs of advertisements or communications permitted by this Rule;
- (2) pay the usual charges of a legal service plan or a lawyer referral service;
- (3) pay for a law practice in accordance with Rule 1.17; and
- (4) give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer’s services.

COMMENT: For additional information on this general topic and other related subjects, see *The Ethical Oregon Lawyer* § 2.4-4 (public relations and public educational programs) (OSB Legal Pubs 2015); Geoffrey C. Hazard, Jr., W. William Hodes & Peter R. Jarvis, 2 *The Law of Lawyering* chs 58–60 (4th ed 2015) (updated periodically); and ABA Model RPC 7.1–7.3.