

KENTUCKY BAR ASSOCIATION

Ethics Opinion KBA E-77

Issued: November 1973

Question: May an attorney use a professional card made of colored lucite and containing a logo of the scales of justice?

Answer: No.

References: DR 2-102(A)

OPINION

An attorney is contemplating a change in his professional card and inquires as to the propriety of using a card made of colored lucite and containing a logo in the left hand corner of the scales of justice. The particular card he is considering is green with silver lettering.

Both the letter and spirit of the Code of Professional Responsibility forbid advertising by the practicing attorney. Within this framework professional cards are permitted, but only in the form and with the information specified by the Code. In material portion DR 2-102(A) provides:

A lawyer or law firm shall not use professional cards, professional announcement cards, office signs, letterheads, telephone directory listings, or similar professional notices or devices, except that the following may be used if they are in dignified form:

(a) A professional card of a lawyer identifying him by name and as a lawyer, and giving his addresses, telephone numbers, the name of his law firm, and any information permitted under DR 2-105 (not pertinent here). A professional card of a law firm may also give the names of members and associates. Such cards may be used for identification but may not be published in periodicals, magazines, newspapers, or other media

From the foregoing it is clear that professional cards are intended for informational purposes only. Any attempt to use them indirectly to achieve the forbidden advertising is rightly condemned. In the judgment of the Committee, the card under consideration fails to meet these standards. The color and material of the card are necessarily calculated to call attention to it and offer no informational value not found in the more traditional cards in general use. Such cards, while perhaps suitable in some businesses, simply partake too much of the market place to be appropriate for the legal profession.

Neither would it be permissible to use the logo of the scales of justice. DR 2-102(A) is explicit in what may be included on a card.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). Note that the Rule provides: "Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act."