

# *The Supreme Court of Ohio*

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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## **OPINION 88-012**

Issued June 17, 1988

*[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]*

**SYLLABUS:** A lawyer may not request a person or organization, other than those listed in DR 2-103(C), to recommend or promote the use of his services or those of his partner or associate, or any other lawyer affiliated with him or his firm, as a private practitioner.

**OPINION:** We have before us your request for an informal advisory opinion on whether you may ethically accept a referral for a free consultation for a surviving spouse or surviving children as part of a funeral package being offered by a funeral director. The funeral director would refer the surviving family members to you for the initial consultation.

We believe that DR 2-103(C) of the Code of Professional Responsibility prevents you from ethically providing the free consultation as part of a funeral package. The rule states: “[a] lawyer shall not request a person or organization to recommend or promote the use of his services . . . .” Code of Professional Responsibility, DR 2-103(C). See also, Ohio St. Bar Assn. Informal Op. 87-8 (1987). The exceptions to the rule do not apply in this case.

In addition, EC 2-8 of the Code states that a lawyer should not compensate another person for recommending his or her services. We believe that even if you do not request the funeral director to recommend your services, by giving one hour of free consultation you are in affect compensating the funeral director for recommending your services because your legal services add to the value of the funeral package.

In conclusion, it is our opinion and you are so advised against providing one hour of free consultation as part of a funeral package. A lawyer should not request a funeral director to promote or recommend the use of his or her services nor compensate someone for recommending his or her services.

**This is an informal, non-binding advisory opinion based upon the facts presented and limited to questions arising under the Code of Professional Responsibility.**