

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

41 SOUTH HIGH STREET-SUITE 3370, COLUMBUS, OH 43215-6105
(614) 644-5800 FAX: (614) 644-5804

OFFICE OF SECRETARY

OPINION 88-009

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[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]

[Not current-subsequent rule amendments to DR 2-103, eff. July 1, 1996.]

SYLLABUS: A lawyer shall not request a person or organization to recommend or promote the use of his or her services, except for a referral service operated, sponsored, or approved by a bar association. A lawyer may accept referrals from a legal service organization, as long as the person making the recommendation is a member or beneficiary of the organization and the lawyer remains free to exercise his independent professional judgment on behalf of his or her client.

OPINION: We have before us your request for an informal advisory opinion on whether you may send out a letter to groups, association, and/or organizations, that are involved in the adoption of “special children,” seeking their referral of persons interested in adopting these children. You state that you intend to offer your legal services at a discounted fee for handling adoptions involving “special children.”

We assume the organizations you wish to send your letter to are not lawyer referral service operated, sponsored, or approved by a bar association, nor do they fall within any other exception to the Code's prohibition against referrals. Code of Professional Responsibility, DR 2-103(C). In this regard, although this is a generous and noble offer, the Code does not allow you to request such referrals.

In addition, EC 2-8 states that in order for a third party recommendation to be disinterested, a lawyer should not seek to influence another to recommend his or her employment. Therefore, you may not seek to influence persons involved in the adoption of “special children” by offering your legal services at a discount.

In conclusion, it is our opinion and you are so advised against sending a letter seeking referrals on adoptions of “special children.”

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