

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 89-08

Issued April 14, 1989

[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]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. Jul. 1, 1996.]

SYLLABUS: DR 2-103 (D) (4) permits a lawyer or law firm to participate in a legal service plan to offer a free consultation and discounted legal fees to members of various teachers' associations. An attorney-client relationship must exist between a specific client and the attorney and not between the teachers' association and the attorney.

OPINION: We have before us your request for an advisory opinion on whether your law firm may participate in a legal service plan with various teachers' associations. You propose to offer legal services at a reduced fee to members of the teachers' associations. You state that your law firm would neither receive any money from the teachers' associations nor pay any money to effect the plan. In addition to a discount for legal services, including a free initial consultation, your law firm would like to write articles for the teachers' associations' newsletter on legal topics of interest to teachers.

Although we do not specifically approve particular legal service plans, the type of plan you propose is permitted under DR 2-103 (D) (4) of the Code of Professional Responsibility. That Code provision covers all types of legal service plans and therefore parts of DR 2-103 (D) (4) may not apply to your situation. All legal service plans have a filing requirement under DR 2-103 (D)(4)(g) of the Code of Professional Responsibility.

The legal service plan you propose is commonly referred to as a consultation plan and is the most common form of group legal service plan. Wolfram, Modern Legal Ethics 903 (1986). In fact, groups which benefit under such plans include employee groups, and especially teachers' associations. Id.

In regard to writing articles for the associations' newsletter, this is not prohibited under the Code of Professional Responsibility.

In conclusion, it is our opinion and you are so advised that the a legal service plan which offers to members of a teachers' association a free half hour initial consultation, a 30% discount on hourly legal services and a 30% discount on the usual one-third contingent fee based case, is permitted under DR 2-103 (D) (4) of the Code of Professional Responsibility. As you indicate in your request the attorney-client relationship must exist between the attorney and the individual plan participant and not between the attorney and the teachers' association.

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