

AO 1984-85/2

NEW HAMPSHIRE BAR ASSOCIATION
Ethics Committee Advisory Opinion 1984-85/2
Referrals to a Law School Clinic from a State Agency
October 18, 1984

RULE REFERENCES:

Canon 2

SUBJECTS:

CODE REFERENCES:

- *EC 2-16
- *EC 2-15
- *EC 2-25
- *DR 2-103 (C) (2)
- *DR 2-103

ANNOTATIONS:

QUESTION:

The Appellate Division of the State Department of Employment Security has included in its mailing to pro se appellants a notice of the availability of representation through the Family and Housing Law Clinic of the Franklin Pierce Law Center. The issue presented for consideration is whether the mailing of such notices is prohibited by the Code of Professional Responsibility.

RESPONSE:

The Code of Professional Responsibility places an affirmative duty on the Bar and its membership to “assist the legal profession in fulfilling its duty to make legal counsel available”. Canon 2. Ethical Consideration 1-1 provides that “every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence.” See also Rule 6.1 of the ABA Model Rules of Professional Conduct.

Recognizing that legal services may be available, but not necessarily affordable by large groups of citizens, the Code gives special recognition to legal aid societies and like organizations. EC 2-25; EC 2-16; EC 2-15. Furthermore, in other aspects, the Code sanctions an interrelationship and cooperation between the members of the Bar and legal aid organizations. DR 2-103 (C) (2); DR 2-103

The Family and Housing Law Clinic of the Franklin Pierce Law Center is a recognized legal aid society in New Hampshire. The Clinic provides free legal services to indigent clients. The Clinic is staffed by law students enrolled in the Franklin Pierce Law Center and is supervised by two experienced attorney-faculty members. The Clinic provides legal representation in a variety of civil matters without fee and is a non-profit program.

The notice in question at issue does not contain any unfair, fraudulent or deceptive claims that would violate DR 2-101 (B). However, as submitted, with the heading “Your Legal Rights”, it could be considered misleading to the extent that it may imply that the Clinic is the only source of legal representation for indigent appellants. The informational notice should contain a neutral heading, and the notice would be more complete if it mentioned alternatives such as New Hampshire Legal Assistance, the Pro Bono Referral System and the Lawyer Referral and Information Service.

The notification of the availability of such services as the Family and Housing Law Clinic offers would tend to promote the improvement and integrity of the legal systems. Canons 1 and 8. Based upon the underlying principles of Canon 2, it does not violate the Code of Professional Responsibility to so notify pro se appellants of the availability of legal services such as are offered and provided by the Family and Housing Law Clinics.