

January 1932

## Professional Ethics

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

---

### Recommended Citation

Professional Ethics, 9 Dicta 78 (1932).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

---

## Professional Ethics

of issues, and four trial divisions to be kept substantially equally busy until trials are up to date.

## PROFESSIONAL ETHICS

OPINION 43.—(September 17, 1931.)

ADVERTISING—*Any payment made by a lawyer for the purpose of securing the publication of his photograph causes such publication to become advertising.*

PHOTOGRAPHS—*Impropriety of paying for their publication, even though the payment be only for the supposed cost of some item connected with such publication.*

The Sunday edition of a metropolitan newspaper publishes a so-called "Greater Blanktown" edition, which includes many pages of photographs of supposed prominent citizens, with a statement under each photograph of the name and occupation of the person. Each person whose photograph is published agrees to pay therefor a certain definite sum. Contracts for such publication are frequently solicited on the theory that the signers are thus contributing to something of civic benefit though each person whose photograph is thus published is supposedly "invited" to allow it to be thus used. He is, nevertheless, required to agree to pay a certain definite sum for such publication, though this amount is frequently stated to represent only the "cost" of publication.

A number of members of the Association have asked the committee to express an opinion as to whether a lawyer may properly furnish his photograph to a newspaper and agree to pay for having it so published. Other members have asked whether a lawyer who does not, under such circumstances, agree to pay for the publication of his photograph, may with propriety agree to pay the publisher for the supposed "cost" of making the half-tone plate.

The committee's opinion was stated by Mr. Hinkley, Messrs. Howe, Evans, Harris and Strother concurring as follows:

"A photograph of a lawyer, accompanied by a statement of his name, address and vocation is not a professional card and its publication, if paid for by the lawyer, either directly or indirectly, becomes a solicitation of business by advertising which must be condemned as a violation of Canon 27. The attention of the public is drawn in an unusual manner to the lawyer in connection with his profession. One of the features which distinguishes an advertisement from a news or literary article is the fact that its publication is paid for by the one receiving the benefit of the publicity and the amount of the payment or what particular item of cost the payment is supposed to cover are immaterial."