

Nebraska Ethics Advisory Opinion for Lawyers
No. 77-2

IT WOULD NOT BE PROPER FOR AN ATTORNEY TO INSERT THE PHRASE "WE ACCEPT BANKAMERICARD" AT THE BOTTOM OF PRINTED STATEMENTS MAILED TO CLIENTS.

FACTS

You have requested an opinion from The Advisory Committee on the propriety of placing the words, "We accept Bank-Americard" at the bottom of your printed statements that are mailed to your clients and specifically requested an opinion thereon in view of Formal [Opinion No. 75-1](#) of this Committee. You are advised as follows:

DISCUSSION

[Opinion No. 75-1](#) was adopted pursuant to Formal Opinion No. 338 of the American Bar Association Committee on Ethics and Professional Responsibility. Formal Opinion No. 338 provides at subparagraph 1 as follows:

"All publicity and advertising relating to a credit card plan shall be subject to the prior approval in writing of the state or local bar committee having jurisdiction of the professional ethics of the attorneys involved."

With that in mind, this Committee took action in [Opinion No. 75-1](#) to provide at subparagraph 1 as follows:

"Neither the participating lawyer nor the credit card company shall disseminate any publicity or advertising relating to the credit card plan because such activity would be prohibited..."

CONCLUSION

It is our opinion that the placing of the wording "We Accept Bank-Americard" at the bottom of your printed statement would constitute "dissemination of publicity or advertising relating to the credit card plan".

It is our opinion that no announcement whatsoever with reference to the acceptance of the credit card system should be permitted except for the displayed insignia in the attorney's office as stated in our [Opinion No. 75-1](#).

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