

ADVISORY ETHICS OPINION 79-17

SYNOPSIS:

A law school may publish a directory of its law school graduates and may list the firm's area of concentration but may not indicate that the firm or lawyer is a specialist unless the firm or lawyer is in fact a specialist defined in DR 2-105(A).

QUESTION:

The committee has been asked by a representative of the Boston University Law School whether or not the law school through its Alumni Association may publish a directory and "designate the area of specialization that the attorney may engage in or in lieu thereof to designate his area of concentration"?

OPINION:

This is almost the same question that was asked in VBA Professional Responsibility Committee 79-11 (II). It is the committee's opinion as set forth in the above reference opinion as set forth in the above referenced opinion that DR 2-101 (D)(1) and DR 2-105 (A)(1) are pertinent rules for consideration. These rules disclose that an attorney or a firm may not list itself as a specialist unless it meets DR 2-105 (A)(1) or (4). Subsection (1) covers the specialty areas of patent trademark or admiralty and subsection (4) covers the situation wherein attorneys have been designated as specialists in a particular field by the authority having jurisdiction under state law to designate such specialists. Vermont has no such system; therefore, specialty designation would be inappropriate under subsection (4). Designation of specialties such as are enumerated in subsection (1) (patent trademark or admiralty) would be appropriate.

DR 2-105 (A)(2) provides that a lawyer may permit his name to be listed in a lawyer referral service offices according to fields of law in which he will accept referrals and DR 2-101 (D)(1) dealing with publicity states that while specialties may not be listed unless in compliance with the aforementioned section a lawyer may nevertheless list:

One or more fields of law in which the lawyer or law firm concentrates.

It would seem, therefore, that preferences may be listed provided there is nothing that would confuse areas of desired concentration with the specific designation of specialization.