

ADVISORY ETHICS OPINION 83-02

SYNOPSIS:

The Code prohibits listing the practice of another profession on letterhead, business cards or office sign. In determining responsibilities in this area, the lawyer should consult court decisions on the constitutionality of advertising restrictions.

OPINION:

A lawyer who is also a certified public accountant asks whether he can include the label CPA on business cards, stationery and the office sign.

Code of Professional Responsibility DR 2-102(E) provides that a lawyer who is engaged in both the practice of law and another profession may not so indicate on letterhead, office sign or professional card. The section prohibits what the lawyer desires to do.

This Committee can give opinions only on the meaning of the Code as adopted in Vermont. We note however, that the ABA has recommended that DR 2-102(E) be repealed as inconsistent with the decisions of the United States Supreme Court on the constitutionality of the Code's advertising restrictions. Those opinions should be consulted in determining how to proceed.