

ADVISORY ETHICS OPINION 1999-08

SYNOPSIS:

A lawyer who is also a physician may indicate on his/her letterhead that he/she is both an attorney and a physician.

ISSUE:

May an attorney who is also a physician indicate on the firm's letterhead the attorney's medical degree?

FACTS:

An attorney who is also a licensed physician who would like to indicate the attorney's area of medical practice on the law firm's letterhead.

DISCUSSION:

The attorney's request is a "dual practice" or "dual profession" issue. The relevant rules are rules 7.1, and 7.5.

RULE 7.5 FIRM NAMES AND LETTERHEADS, provides in part as follows:

- (a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

RULE 7.1 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES, reads as follows:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

- (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
- (b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or
- (c) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated.

New Hampshire Bar Advisory Ethics Committee Opinion #1992-93/8 concluded that an attorney/engineer could indicate his second profession as an engineer on that attorney's letterhead, so long as the information was accurate. The New Hampshire Opinion notes that statements indicating another field of practice do not indicate special competence by the lawyer, but competence as defined and evaluated by the other profession involved.

Informal ABA Opinion 83-1497 provided that, under the Model Code, a lawyer/physician could conduct a practice of law and a law related second occupation as a physician from one office.

CONCLUSION:

Consistent with these decisions and with Rule 7.5, an attorney may indicate on his or her letterhead that he or she is both an attorney and engaged in another profession so long as this information is accurate and not false or misleading as prohibited by Rule 7.1.