

You have requested an informal, advisory opinion from the Virginia State Bar Standing Committee on Legal Ethics (“Committee”) regarding a letter and brochure which was sent to a number of real estate offices in the Norfolk-Virginia Beach area by a certain law firm. The brochure was designed to provide basic information to potential home buyers about a real estate purchase. The accompanying letter indicated that the law firm “specializes in real estate practice and a couple of other areas.” Additionally, the letter quoted the firm's basic fees for buyers and sellers. Upon request, the firm would supply additional brochures for display.

You wish to know whether or not an ethical violation has occurred.

Disciplinary Rule 2-101(A) [DR:2-101] states that a lawyer shall not, on behalf of himself or any other lawyer affiliated with him or his firm, use or participate in the use of any form of public communication if such communication contains a false, fraudulent, misleading or deceptive statement or claim.

The Committee opines that the brochure contains no statement which could be construed as false, fraudulent, misleading, or deceptive in violation of DR:2-102(A). Also, the statement regarding fees is merely factual in nature. The Committee previously opined in LE Op. 923 that it is not per se unethical for an attorney to advertise that he specializes in a certain area of law as long as the advertisement does not say that he is a recognized or certified specialist. The Committee finds no violation of this rule.

The Committee also refers you to LE Op. 862 and LE Op. 904.

Committee Opinion
August 1, 1988