

Committee Opinion  
October 19, 1989

LEGAL ETHICS OPINION 1292

ADVERTISING: COMMUNICATION TO  
PUBLIC AS LECTURER FOR CLE  
PROGRAMS.

You have asked the Committee to consider the propriety of an attorney who has lectured in a continuing legal education program to advertise this valid credential to the general public.

The appropriate and controlling rules relative to your inquiry are DR:2-101(A) and DR:2-104(A). It has been a long-standing rule that an attorney may not, on behalf of himself or any other lawyer affiliated with his firm, use or participate in the use of any form of public communication which contains a false, fraudulent, misleading, or deceptive statement or claim. (See DR:2-101(A)) Disciplinary Rule 2-104(A) also provides that a lawyer shall not hold himself out publicly as, or imply that he is, a recognized or certified specialist except in accordance with either DR:2-101, DR:2-102 or DR:2-103.

The Committee directs your attention to LE Op. 1231 in which the Committee opined that a statement in a state trooper magazine advertisement that an attorney was a former police officer was not improper assuming the statement was true and nothing in the advertisement contained a false, fraudulent, misleading, deceptive statement or claim, and provided that there was no implication or holding out on the part of the attorney that he is a recognized or certified specialist or expert in any area of law, except in accordance with the permissible designations prescribed in DR:2-104(B). (See also LE Op. 979 and LE Op. 923)

Therefore, the Committee would opine that an attorney who has lectured in a continuing legal education program and wishes to advertise that fact to the general public may do so as long as such public communication is in conformity with the applicable disciplinary rules and such communication is not intended to imply that the attorney is a recognized or certified specialist as proscribed in DR:2-104(A).

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