

You have presented a hypothetical situation in which a law firm lists various attorneys' names to perform certain legal services.

You have asked the Committee to opine whether it is ethical for a law firm to list attorneys as eligible for performing distinct legal services when they do not possess the requisite legal knowledge to provide representation in the listed area. Your hypothetical contains neither the method of notification, i.e., letterhead, etc., nor the list of specialties.

The appropriate and controlling disciplinary rules related to your inquiry are DR:2-101(A), DR:2-102(A), DR:2-104(B), and DR:6-101(A)(1).

Disciplinary Rule 2-101(A) provides 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 public communication contains a false, fraudulent, misleading, or deceptive statement or claim. Disciplinary Rule 2-102(A) states that a lawyer or law firm may use or participate in the use of a professional card, professional announcement card, office sign, letterheads, telephone directory listing, law list, legal directory listing, or similar professional notice or device unless it includes a statement or claim that is fraudulent, misleading or deceptive.

Disciplinary DR:2-104(B) says that a lawyer may state, announce or hold himself out as limiting his practice to a particular area or field of law so long as the communication of such limitation of practice is in accordance with the standards of DR:2-101, DR:2-102, or DR:2-103, as appropriate. Under Disciplinary Rule 6-101(A)(1) [ DR:6-101], a lawyer shall undertake representation only in matters in which the lawyer can act with competence and demonstrate the specific legal knowledge, skill, efficiency, and thoroughness in preparation employed in acceptable practice by lawyers undertaking similar matters.

The Committee has previously opined that it is not per se unethical for a law firm to state, in its advertisement, that it has professional experience and expertise in the defense of juveniles, provided that the claims in that advertisement are not misleading or false. The Committee has urged attorneys to review Ethical Consideration 2-16 [ EC:2-16] when preparing advertisements. (See LE Op. 979; see also LE Op. 1231.)

The Committee is of the opinion that an advertisement such as you describe, which lists various attorneys' names to perform certain legal services when those attorneys do not practice in the limited areas as advertised, would contain false, fraudulent, misleading, or deceptive statements, in violation of DR:2-101(A), DR:2-102(A), and DR:2-104(B).

The Committee also has concerns that clients of the law firm may not be represented by competent legal counsel, in violation of DR:6-101(A)(1), since it appears that the

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attorneys listed do not possess the legal knowledge required for practice in the areas enumerated in its advertising.

Therefore, the Committee opines that, under the facts you have provided, a listing such as you have described may also be violative of DR:6-101(A)(1), since it appears that the firm's attorneys do not possess the requisite legal knowledge for practice in the areas listed.

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