

Committee Opinion  
November 13, 1987

LEGAL ETHICS OPINION 979

ADVERTISING – SPECIALTIES.

You have requested an informal, advisory opinion from the Virginia State Bar Standing Committee on Legal Ethics (“Committee”) regarding a copy of an advertisement for a law firm which appeared in your local newspaper. The advertisement states in pertinent part: “Professional experience and expertise in the defense of juveniles.” You wish to know whether or not this advertisement is ethical. Since we do not have any information to the contrary, the Committee is assuming for purposes of this opinion that the claims of “professional experience and expertise in the defense of juveniles” are not misleading or false.

Disciplinary Rule 2-104(A) [DR:2-104] states 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. . .”

In LE Op. 923, the Committee determined that the wording of DR:2-104(A) creates a problem in that it prohibits an attorney from holding himself out publicly as a *recognized or certified* specialist. As the Committee points out in this opinion, the Code does not provide a definition of “recognized” or “certified.”

Based on the wording of the Code, the Committee, by divided opinion, stated that the use of the word “specializes” alone was not, *per se*, unethical.

The advertisement which accompanies your inquiry does not state the term “recognized” or “certified” specialist. It merely states “professional experience and expertise”. Based upon the wording of the Code, the advertisement which you presented for our consideration is not, *per se*, unethical. The Committee is once again divided on the point and would urge attorneys to review Ethical Consideration 2-16 [EC:2-16] when preparing advertisements.

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