

Lawyer Advertising Opinion No. A-0116: Communications That Claim “Se Habla Espanol”

Question Presented:

The question arises as to whether a lawyer may advertise the fact that they speak Spanish in their office, “Se Habla Espanol,” if the lawyer is not fluent in Spanish, but one of the staff members is.

Answer:

The lawyer may communicate that Spanish is spoken in a particular office as long as the communication makes it clear whether it is the lawyer who speaks Spanish.

Analysis:

The appropriate and controlling disciplinary rule relevant to the question presented is Rule 7.1(a)(1):

RULE 7.1 Communications Concerning A Lawyer’s Services

- (a) A lawyer shall not, on behalf of the lawyer or any other lawyer affiliated with the lawyer or the 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. For example, a communication violates this Rule if it:**
- (1) contains false or misleading information;**

Accordingly, lawyers may communicate to the public information that is truthful and not misleading. A statement may be truthful and still be misleading. A truthful statement is also misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer’s services for which there is no factual foundation. Rule 7.1, Comment [1].

A potential client should be able to make an informed choice regarding legal services. That choice should involve the distinction between having an understandable communication directly with a Spanish speaking lawyer or having a staff member of the lawyer acting as a third party intermediary and interpreter.

While the committee does not believe there is any ethical prohibition against the lawyer advertising that someone other than the lawyer speaks and understands Spanish, the advertisement should include, in Spanish, language that accurately describes how Spanish is spoken in that particular office. The exact language to be used to convey such an arrangement may vary based upon an accurate rendition of the Spanish that is spoken in the office; however, it must be clear that it is not the lawyer who speaks Spanish, if that is the case.

Committee Opinion
November 28, 2006