

DIGEST OF ETHICS ADVISORY PANEL  
OPINION #89-17, REQUEST #63  
Issued July 20, 1989

An attorney seeks Panel advice concerning whether or not he may distribute a certain announcement to members of the bar. The attorney also asks whether the announcement may be properly published in the Rhode Island Lawyer's Weekly.

The announcement the attorney has enclosed is directed to Rhode Island attorneys with litigation practices. It summarizes the Superior Court Rule mandating arbitration and then lists the inquiring attorney's credentials and affiliations. The announcement includes the statement that the attorney is "Practicing only as Neutral." The announcement properly indicates that "Rhode Island does not have a procedure for certification or recognition of specialization by lawyers."

Rule 7.1 is titled "Communications Concerning a Lawyer's Services" and states, in pertinent part that

A lawyer shall not make a false or misleading communication about about the lawyer or the lawyer's services. A communication is false or misleading if it:

(a) contains a material misrepresentation of fact or law, or omits, a fact necessary to make the statement considered as a whole materially misleading . . .

Rule 7.4 titled Communications of Fields of Practice provides, in pertinent part:

A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer may not however, indicate that his or her practice is limited to or concentrated in particular fields of law unless, as part of the same communication the lawyer also indicates that Rhode Island does not have a procedure for certification or recognition of specialization by lawyers.

The Panel is unclear as to the meaning of the word "Neutral" in the phrase "Practicing Only as Neutral." The Panel accordingly declines to approve this particular phrase as proper under Rule 7.1.

In taking the position that this announcement, excluding the caveat noted above, is permissible under the Rules of Professional Conduct, the Panel must stress that this opinion would differ considerably if the announcement were to be expressly circulated beyond members of the legal community. The Panel takes the position that Rules 7.2 and 7.3 with the additional requirements and restrictions set forth therein are intended to protect laypersons and are not activated by communications from one attorney solely and specifically to his or her fellow attorneys.

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Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.