

DIGEST OF ETHICS ADVISORY PANEL  
Opinion #91-12, Request #145  
Issued May 23, 1991

An attorney seeks Panel advice as to whether the attorney may publish an advertisement in a newspaper of general circulation which states the attorney's name, and the name, time and location of a course the attorney has been invited to conduct by a local municipality.

Rule 7.2(a) of the Rhode Island Rules of Professional Conduct states, "Subject to the requirements of Rule 7.1, a lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services . . . a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor advertisement, radio or television, or through written communication not involving solicitation as defined in Rule 7.3." Rule 7.2(b) require that a copy of the advertisement must be kept for two (2) years after its last dissemination along with a record of where and when it was last used.

The Panel takes the position that it would not be improper for the municipality to publish the attorney's name and the name of the course the attorney has been invited to conduct in the municipality's Adult Education Program promotional materials. The Panel also believes that an advertisement placed by the attorney in a newspaper of general circulation in connection with the announcement of the course offering by the municipality stating the attorney's name, the course name content time and location would not be improper under Rhode Island Rule of Professional Conduct 7.2. The Panel notes these publications would be proper provided they do not contain any false or misleading statements about the attorney or the attorney's services.

The Panel cautions that the facts giving rise to this inquiry warrant strict compliance with the terms of Rhode Island Rule of Professional Conduct 7.4.

Rule 7.4 provides:

A lawyer may communicate the fact that a 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 takes the position that the attorney should include the above disclaimer in the advertisement.

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.