

Digest of Ethics Advisory Panel
Opinion 92-22, Request #239
Issued May 20, 1992

An attorney seeks Panel advice regarding whether or not the attorney may distribute a letter to members of the bar. As a threshold matter, the Panel declines to embark on the task of editing documents, and therefore cannot give general approval to the advertisement. See, Advisory Opinion #90-18.

The Panel believes that the announcement is an advertisement directed exclusively to Rhode Island attorneys and not the general public. The subject of the letter concentrates on the law firm's experience in a specific area of litigation. Also included is a newspaper clipping on law which highlights a recent litigation success by the same firm.

Rule 7.1 of the Rhode Island Rules of Professional Conduct states that "a lawyer may not make a false or misleading communication about the lawyer or the lawyer's services." Rule 7.4 states that "A lawyer may not ... 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."

To clearly meet the requirements of Rule 7.1, the attorney's advertisement cannot contain any false or misleading statements regarding the attorney or the attorney's services. The disclaimer required by Rule 7.4 must be included within the advertisement.

In taking the position that this announcement is permissible under the Rules of Professional Conduct, the Panel stresses that it would reach a different conclusion if the announcement were to be circulated beyond members of the legal community including prospective clients. The Panel notes that of Rules 7.2 and 7.3 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 other attorneys.