

ETHICS ADVISORY PANEL
OPINION #93-103 REQUEST #455
Issued December 8, 1993

The inquiring attorney's law firm conducts free informational seminars for the general public on a certain field of law. The seminars are advertised in a newspaper of state-wide circulation. The advertisement contains several statements regarding the merits and advantages of using one particular type of legal instrument over another type. Information concerning the dates and locations of the seminars is stated in the advertisement, as well as the names of the lawyers responsible for its content. The advertisement contains language indicating that Rhode Island does not have a procedure for certification or recognition of specialization by lawyers. The inquiring attorney asks whether the advertisement conforms with Rule 7.1 of the Rules of Professional Conduct.

Rule 7.1 states:

Rule 7.1 Communications Concerning a Lawyer's Services. - A lawyer shall not make a false or misleading communication 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 not materially misleading;

(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law' or

(c) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated.

The Rule requires that statements about a lawyer's services should be truthful and it governs all forms of communications.

The Panel concludes the advertisement as used by the inquiring attorney's law firm does not violate Rule 7.1. Though the advertisement does imply a concentration by the inquiring attorney's law firm, it also contains language indicating that Rhode Island does not have a procedure for certification or recognition of specialization by lawyers and therefore conforms with Rule 7.4.