

## STATEWIDE GRIEVANCE COMMITTEE



### **Advisory Opinion #10-01543-A Use of Practice Area in Firm Name**

Pursuant to Practice Book §2-28B, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, reviewed a request for an advisory opinion filed on March 15, 2010. The proposed advertisement is the name of a law firm. The reviewing committee concluded that the proposed name complies with the Rules of Professional Conduct.

The requesting attorney indicated he would like to advertise his law firm in the Yellow Pages as “Employment Law Office of [attorney name].” The attorney indicates that he does not have a special certification in the area of employment law but it is the primary area of his practice.

Attorney advertising is governed by Rule 7.1 of the Rules of Professional Conduct. Rule 7.1 provides:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services.

The content of a law firm’s name is also subject to the provisions of Rules 7.4, 7.4A and 7.5 of the Rules of Professional Conduct. Rules 7.4 and 7.4A regulate the manner in which an attorney or a firm may characterize practice areas. Rule 7.4 provides:

(a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law.... (d) a lawyer shall not state or imply that the lawyer is a specialist in a particular field of law except as provided herein and in Rule 7.4A.

Rule 7.4 was amended June 30, 2008 and made effective January 1, 2009 to permit an

attorney to “indicate the lawyer ‘concentrates in, focuses on,’ or [has a] practice ‘limited to’ particular fields of practice so long as the statements are not false or misleading in violation of Rule 7.1” See commentary to Rule 7.4.

Rule 7.4A provides that only a lawyer “currently certified as a specialist in that field of law by a board or other entity which is approved by the Rules Committee of the superior court” may state or imply specialization in a field of law. The proposed advertisement does not state the attorney is an employment law specialist. The attorney is not certified in that practice area and the Legal Specialization Screening Committee, which is designated by the Rules Committee to certify attorney practice areas, does not recognize a certification to specialize in employment law. See [http://www.jud.ct.gov/Committees/lssc/Chart\\_Bd\\_entity.pdf](http://www.jud.ct.gov/Committees/lssc/Chart_Bd_entity.pdf) for the list of recognized certifying agencies and fields of law in Connecticut.

The proposed advertisement does not imply specialization in employment law by merely stating the name of the practice area. The attorney is indicating the type of law in which he focuses his practice. The Connecticut Bar Association (“CBA”) in Informal Opinion 93-20 (published July 30, 1993) examined the use of the descriptive phrase “Business Lawyer” on letterhead and found it permissible and not a violation of Rules 7.4 and 7.4A.

Rule 7.5 regulates firm names, letterheads and trade names and incorporates the provisions of Rule 7.1. Rule 7.5 provides that “a lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.” Rule 7.5 also provides that a firm name shall “not imply a connection with a government agency or with a public or charitable legal services organization.” The proposed firm name does not imply a connection to government agencies or other public organizations and is not misleading in violation of Rules 7.1 and 7.5. The proposed

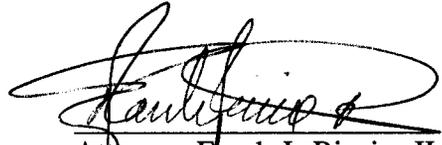
advertisement also complies with Rule 7.2(d) by providing the name of an attorney admitted in Connecticut who is responsible for the content of the advertisement.

Practice Book §2-28A(b)(2) exempts from the mandatory filing rules “[a]n advertisement in a telephone directory.” Since the requesting attorney indicates that the proposed firm name will be used in an advertisement in the Yellow Pages, the advertisement does not need to be filed with the Statewide Grievance Committee. In the future if the proposed firm name is utilized in a different fashion, the attorney may need to comply with the mandatory filing requirement.

Accordingly, this reviewing committee opines that the advertisement complies with the Rules of Professional Conduct.

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ISSUE DATE: March 22, 2010



Attorney Frank J. Riccio, II



Attorney Salvatore C. DePiano

  
Ms. Dahlia Johnston