

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

Committee that a Justice of the Peace of a second class town may not serve on a county committee of a political party and that N.Y. State 137 (1970) applies to all persons holding judicial office.

The applicable Canons of Judicial Ethics are 4, 24 and 28.

Opinion #138 - 5/28/70 (5-70)

Topic: Letterhead:
LL.M Degree

Digest: Not permissible to use a designated specialty on firm letterhead where the specialty is based on a degree earned.

Code*: DR 2-102 (A) (6)
DR 2-102 (F)
DR 2-105 (A)
EC 2-9
EC 2-10
EC 2-14

QUESTION

Several attorneys in an office have earned Master degrees in Labor Law designated as "LL.M (in Labor Law)". They have asked whether this designation may appear on their letterhead.

OPINION

A lawyer may list any earned law degrees (LL.B; J.D.; LL.M; S.J.D.; or J.S.D.) following his name on letterheads. See N.Y. State 105 (a) (10/30/69). Any listing of law degrees earned must be accurate and dignified. See EC 2-10.

New York State has no provision for certification of a lawyer as a specialist in a particular field of law. EC 2-14 of the Code provides as follows: "In some instances a lawyer confines his practice to a particular field of law. In the absence of state controls to insure the existence of special competence, a lawyer should not be permitted to hold himself out as a specialist or as having training or ability, other than in the historically excepted fields of admiralty, trademarks and patent law."

The committee is of the opinion that the Codes does not permit a lawyer to hold himself out on his letterhead or cards, as a specialist in a particular field of law other than the three historically excepted fields. ABA 1131 (1970) is of the same opinion re "LL.M in taxation". The committee is also of the opinion that DR 2-102 (F) does not authorize the use of such designation.

Opinion #139 - 5/28/70 (16-70)

Topic: Conflict of interest;
Confidences and secrets
of client