



Committee on Professional Ethics

Opinion #363 - 10/25/74 (32-74) Topic: Announcement to bar of
limitation of practice.

Digest: Proper for an attorney to
advertise in Bar journal that
he specializes in certain types
of litigation or in admiralty,
if limited to lawyers only.

Code: DR 2-105(A)(3)

QUESTION

May an attorney advertise in a Bar journal that he has opened an office to specialize in plaintiff's medical malpractice, legal malpractice and other personal injury litigation; or to specialize in admiralty law?

OPINION

For a discussion of the ethical rule regarding announcements addressed to other lawyers and its gradual liberalization see N.Y. State 86 (1968). DR 2-105(A) provides in part:

"A lawyer shall not hold himself out publicly as a specialist or as limiting his practice, except as permitted under DR 2-102 (A)(6) or as follows:...(3) A lawyer available to act as a consultant to or as an associate of other lawyers in a particular branch of law or legal service may distribute to other lawyers and publish in legal journals a dignified announcement of such availability, but the announcement shall not contain a representation of special competence or experience. The announcement shall not be distributed to lawyers more frequently than once in a calendar year, but it may be published periodically in legal journals."

In N.Y. County 619 (1974) an announcement in the New York Law Journal of specialization before a governmental agency addressed to "the bar only" was approved. That opinion also concluded that use of the term "specialist" did not contravene the prohibition against "special competence or experience" contained in DR 2-105(A)(3). In N.Y. State 331 (1974) a notice addressed to lawyers only by an attorney that he was available in the practice of "Labor Law representing management" was also approved. Accordingly, the proposed announcements are approved, if, but only if, specifically limited to lawyers only or to the Bar only.
