



ISBA Advisory Opinion on Professional Conduct

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This Opinion was **AFFIRMED** by the Board of Governors in July 2010. Please see the 2010 Illinois Rules of Professional Conduct 7.2 and 7.4. This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

Opinion Number 702
November 4, 1980

Topic: Advertising and Publicity

Digest: It is not improper for a law firm to send a letter to all postal patrons in a community stating that the firm has opened a branch office and containing certain other information, including the fields of law in which services will be provided.

Ref: Rule 2-101
Rule 2-105 (a) (3)

QUESTION

A law firm that has opened a branch office in a community proposes to send to all postal patrons in that community a letter stating that the firm, after serving the area for over thirty years, has opened a branch office; giving the address of the branch office; stating that the firm consists of three lawyers; stating that the firm is available to provide professional services in specified areas of practice; and giving the office hours.

OPINION

Rule 2-101 of the Illinois Code of Professional Responsibility, adopted by the Illinois Supreme Court effective July 1, 1980, permits a law firm to publicize itself in any form of public

communication if the communication meets the conditions specified in the rule. The Committee finds that the proposed communication is a "public communication" within the meaning of Rule 2-101 and that it meets the conditions set forth in that Rule.

Under the now-superseded ISBA Code, the listing of the firm's areas of practice would have been of questionable propriety. Under DR 2-105 of the ISBA Code, except for those areas of law where certification of a specialty was recognized (patents, trademarks, admiralty), any announcement designating a field of law had to include a statement to the effect that the State of Illinois did not provide for recognition or certification as a specialist in such field. Under the new Code, the right of a lawyer to hold himself out as a specialist is limited to those same fields, but any lawyer may specify or designate any area or field of law in which he concentrates or limits his practice (Rule 2-105(a) (3)) and the type of information that may be included in a communication under Rule 2-101 includes "a description of the types of legal matters in which the lawyer will accept employment..." The new Code does not require any statement regarding non-recognition and non-certification; therefore the statement in the proposed communication concerning specified areas of practice is permissible.