

January 2007

9. CHAPTER 14, RULE 18: WHETHER PROPER FOR LAWYER TO REFER TO FIRM'S EXPERTISE IN MARKETING MATERIALS

The Discipline Committee asked the Ethics Committee whether use of the word "expertise" in marketing materials is contrary to Chapter 14, Rule 18 of the *Professional Conduct Handbook*.

The Committee noted that Chapter 14, Rule 18 prohibits a lawyer from using the title "specialist" or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing activity. In 1995 the Ethics Committee was of the view that Rule 18 also prohibits a lawyer from using the word "expert."

The Committee was of the opinion that where a lawyer is entitled to state preferred areas of practice pursuant to Chapter 14, Rule 16, it is reasonable for lawyers to refer to those areas as areas of the lawyer's "expertise." In these circumstances, provided a lawyer does not use other language which suggests a special status or accreditation, the use of the term "expertise" alone is unobjectionable.