

# *The Supreme Court of Ohio*

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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## **OPINION 89-006**

Issued February 17, 1989

*[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]*

*[Not current-subsequent rule amendments to DR 2-101, eff. Jan. 1, 1993 and Aug. 16, 1993; DR 2-105, eff. Jan. 1, 1993.]*

**SYLLABUS:** A lawyer may ethically be listed in a telephone directory under a heading entitled "Attorneys-Fields of Practice," which lists specific fields of practice. A lawyer may state that his practice consists in large part or is limited to a field or fields of law. A lawyer may not, however, hold himself out as an expert or specialist in an area of the law other than patent, trademark, or admiralty law.

**OPINION:** According to DR 2-101 (E), a lawyer may publish information in print media in order to facilitate the process of informed selection of a lawyer by consumers. Since 1977 when the regulation of law lists by the ABA ended, advertising in telephone directories has been acknowledged as an accepted form of advertising by lawyers. Wolfram, Modern Legal Ethics 775 (1986).

A lawyer advertising his legal services may not use any form of communication containing false, fraudulent, misleading, or deceptive statements or claims. Code of Professional Responsibility, DR 2-101(A). Therefore, there is no prohibition against the use of telephone directories for advertising by lawyers as long as the material contains no false, fraudulent, misleading, or deceptive claims.

A lawyer may not hold himself out as a specialist unless he works in the areas of patent, trademark, or admiralty law. Code of Professional Responsibility, DR 2-105. However, a lawyer may state that his practice is limited to a field or fields of law, but he may not claim that he has a special competence or experience in a field of law through the use of the term "specialize" or otherwise. Code of Professional Responsibility, DR 2-105(A) (5). Nothing in a lawyer's advertising may indicate that he is an expert in a particular legal field unless he practices in the areas of the law that are excepted from this prohibition.

We believe that the use of specific fields of practice under a Section entitled "Attorneys-Fields of Practice" does not convey the impression that a lawyer under a particular heading is a specialist in that area of the law. Rather, it

appears that arranging lawyers' names under specific fields of law provides information about the areas a lawyer is limiting his practice to in keeping with DR 2-105. Moreover, the information given in the subheadings in the telephone directory would seem to facilitate the process of selecting a lawyer by a consumer.

It is our opinion, and you are so advised, that the Yellow Pages may include lawyers' names under specific fields of practice under a section entitled "Attorneys-Fields of Practice."

**This is an informal, non-binding advisory opinion based upon the issues presented and limited to questions arising under the Code of Professional Responsibility.**