

# *The Supreme Court of Ohio*

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

## **OPINION 88-28**

Issued December 16, 1988

*[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]*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

**SYLLABUS:** Under DR 2-101(A), it is misleading for attorneys to advertise that they handle specific types of cases when in fact, they do not handle those types of cases.

**OPINION:** We have before us your request for an informal advisory opinion on whether it is ethical for an attorney to advertise for personal injury clients when they do not handle personal injury work themselves and simply refer those clients' cases to law firms outside their own office for handling.

Disciplinary Rule 2-101(A) states that a lawyer shall not use, or participate in the use of, any form of communication containing a false, fraudulent, misleading, or deceptive statement or claim. Code of Professional Responsibility, DR 2-101(A). It is our opinion that attorneys who advertise for work they do not handle would be deceptive, misleading and may be fraudulent and, therefore is prohibited by DR 2-101(A). Undoubtedly, a layperson who is exposed to an attorney's advertising would assume that the attorney handles the type of work he or she is advertising.

In conclusion, it is our opinion and you are so advised that it would be deceptive, misleading and potentially fraudulent for an attorney to advertise for work that he or she does not handle and therefore is prohibited by DR 2-101(A).

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