



Ohio Board of Professional Conduct

OPINION 2018-06

Issued October 5, 2018

Withdraws Adv. Op. 94-3

Lawyer Communication of Juris Doctor Degree, Other Academic Degrees, and Professional Licenses

SYLLABUS: A lawyer may advertise the holding of a juris doctor degree while engaged in another business or profession. A lawyer engaged in the practice of law may communicate other earned academic degrees or professional licenses in the advertisement of the law practice as long as the communication is not false, misleading, or unverifiable. A lawyer may communicate other earned academic degrees or professional licenses on law practice letterhead, office signage, or professional cards. A lawyer may not use other earned academic degrees or professional licenses to state or imply that the lawyer is a specialist in a particular field of law.

This nonbinding advisory opinion is issued by the Ohio Board of Professional Conduct in response to a prospective or hypothetical question regarding the application of ethics rules applicable to Ohio judges and lawyers. The Ohio Board of Professional Conduct is solely responsible for the content of this advisory opinion, and the advice contained in this opinion does not reflect and should not be construed as reflecting the opinion of the Supreme Court of Ohio. Questions regarding this advisory opinion should be directed to the staff of the Ohio Board of Professional Conduct.



Ohio Board of Professional Conduct

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QUESTIONS PRESENTED:

- (1) Whether a lawyer may communicate the holding of a Juris Doctor degree in the advertisement of the other profession or business.
- (2) Whether a lawyer may communicate other earned academic degrees or professional licenses in the advertisement of his or her law practice.
- (3) Whether a lawyer engaged in both the practice of law and a law-related business may communicate the holding of a Juris Doctor degree in the advertisement of the law-related business.

APPLICABLE RULES: Prof.Cond.R. 5.7, 7.1, 7.4, 7.5

OPINION: It is increasingly common for lawyers to enter into other professions and businesses where the possession a law degree is not a job requirement. Some of these business and professions are “law-related” services that are tangential to an ongoing law practice. Prof.Cond.R. 5.7. Often, lawyers engaged in other professions choose to use their Juris Doctor (“J.D.”) degree in communications and advertisements of the business. In some situations, lawyers may find it advantageous to communicate or advertise, in their practice of law, the fact that they hold other academic degrees or professional licenses.

Use of Law Degree in Other Profession or Business When Not Practicing Law

A lawyer may not make a false, misleading, or nonverifiable communication about the lawyer whether the communication is made while engaged in the practice of law or in another profession or business. Prof.Cond.R. 7.1. Because a J.D. is an earned degree indicating formal training in the law, a lawyer’s communication in another profession or business that he or she holds the degree is not false, misleading, or unverifiable. Consequently, a lawyer may communicate or advertise the possession of a J.D. degree in another profession or business, even when he or she is not actively engaged in the practice of law. N.J. Ethics Op. 581 (1986). However, depending on the nature of the other business or profession, a lawyer should ensure, through the use of a disclaimer or other means, that the clients of the profession or business are not misled that he or she is in a position to render legal advice or services due to the display of the J.D. degree.¹ The Board advises that lawyers should also determine whether the communication of their holding a J.D. degree is permitted by the other profession or business.

Lawyer Communication of Other Academic Degrees and Professional Licensure

A lawyer engaged in the practice of law is permitted to communicate or advertise other academic degrees or professional licensure that he or she currently holds. See *Ibanez v. Florida State Dept. of Business and Professional Regulation*, 512 U.S. 136 (1994) (state cannot prohibit lawyer from including “Certified Public Account” and “Certified Financial Planner” on letterhead or other advertising). Unless the information is false, misleading,

¹ In order to avoid a misleading communication, inactive, suspended, resigned/retired, or disbarred lawyers engaging in a profession or business and communicating their J.D. degree should include a written disclaimer indicating they are not permitted to practice law.

or unverifiable, a lawyer is not prohibited from communicating other degrees or licensure in lawyer advertising, letterhead, business cards, or law firm signage. Utah Ethics Op. 108 (1990). *See also* Prof.Cond.R. 7.5 (letterhead must comply with requirements of Prof.Cond.R. 7.1). Such information when communicated by lawyers may be helpful or useful to prospective clients seeking lawyers with a particular skill set or experience.

Lawyers choosing to communicate other academic degrees or professional licensure should be careful to avoid language that implies a particular legal specialization. Prof.Cond.R. 7.4; Del. Ethics Op. 2004-1 (2004). However, a lawyer may indicate that he or she concentrates in a particular field of law, including in areas that overlap with other earned academic degrees or professional licenses the lawyer chooses to advertise. Prof.Cond.R. 7.4(a). For example, a lawyer who holds a certified public accountant (C.P.A.) designation may permissibly state that his or her practice is concentrated in the field of taxation, but may not indicate that he or she specializes in federal or state taxation, absent a Supreme Court approved certification in that field of law.

Communication of a J.D. Degree When Engaged in a Law-Related Business

A lawyer is permitted to pursue another occupation or profession while simultaneously maintaining an active practice of law. A lawyer who engages in dual occupations or professions may communicate his or her legal training or licensure in furtherance of another occupation or profession. However, when a lawyer engages in an occupation or profession that is considered a law-related service and refers to his or her law degree or state bar admission in advertising or communications about that law-related service, the lawyer must ensure that clients in the law-related business are aware that the protections normally found in a client-lawyer relationship—*e.g.*, privileged communications, avoidance of conflicts, and professional independence of the lawyer—are not applicable when the lawyer is providing the law-related service. Prof.Cond.R. 5.7, cmt. [1]. By doing so, the lawyer assists recipients of law-related services in understanding that they are not receiving legal services even though the lawyer is referencing his or her legal training and licensure in conjunction with the law-related business. Prof.Cond.R. 5.7(a)(2).

CONCLUSION: Lawyers may engage in more than one profession or business and advertise the fact that they possess a J.D. degree. The J.D. is an earned degree, indicating

formal training in the law, a prerequisite to obtaining state bar admission and when advertised or communicated in a different profession or business does not run afoul of the prohibition against false, misleading, or unverifiable communications. However, in some professions or businesses where the lawyer chooses to display the J.D., the lawyer should take steps to ensure that clients of the business are not misled that they are receiving legal advice or legal services. Lawyers may also advertise and communicate their holding of other academic degrees and professional licenses on law office letterhead, signage, or professional cards provided that information is not false, misleading, or nonverifiable. However, a lawyer must ensure the communication does not employ language that would imply the lawyer holds a specialization in an area of the law. Finally, lawyers choosing to engage in dual professions are not prevented from communicating and advertising the academic degrees or licensure relevant to a particular field in the other profession. When a lawyer engages in a law-related business in addition to an active law practice, and chooses to advertise his or her J.D. or state bar admission, he or she must take steps to explain the lack of client-lawyer protections in the law-related business.