

## **Alabama Rules of Professional Conduct**

### **Information About Legal Services**

#### **Rule 7.4.**

##### **Communication of Fields of Practice.**

A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is a specialist except as follows:

(a) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation;

(b) A lawyer engaged in admiralty practice may use the designation "Admiralty," "Proctor in Admiralty," or a substantially similar designation; or

(c) A lawyer may communicate the fact that the lawyer has been certified as a specialist in a field of law by a named organization or authority, but only if such certification is granted by an organization previously approved by the Alabama State Bar Board of Legal Certification to grant such certifications.

[Amended 8-31-93, eff. 1-1-94.]

#### **Comment**

This rule permits a lawyer to indicate areas of practice in communications about the lawyer's services, for example, in a telephone directory or other advertising. If a lawyer practices only in certain fields, or will not accept matters except in such fields, the lawyer is permitted so to indicate. However, stating that the lawyer is a "specialist," practices a "specialty," or "specializes in" a particular field is not permitted unless in accordance with rule 7.4(c). These terms have acquired a secondary meaning implying formal recognition as a specialist. Hence, use of these terms may be misleading.

Recognition of specialization in patent matters is a matter of long-established policy of the Patent and Trademark Office. Designation of admiralty practice has a long historical tradition associated with maritime commerce and the federal courts.

Paragraph (c) provides for certification as a specialist in a field of law where the Alabama State Bar Board of Legal Specialization has granted an organization the right to grant certification. Certification procedures imply that an objective entity has recognized a lawyer's higher degree of specialized ability than is suggested by general licensure to practice law. Those objective entities may be expected to apply

standards of competence, experience, and knowledge to insure that a lawyer's recognition as a specialist is meaningful and reliable. In order to insure that consumers can obtain access to useful information about an organization granting certification, the name of the certifying organization or agency must be included in any communication regarding certification.

### **Comparison with Former Alabama Code of Professional Responsibility**

Original Rule 7.4 is a direct counterpart to Temporary DR 2-104, which was substantially adopted from original Model Rule 7.4. On August 31, 1993, § (c) of Rule 7.4 was amended in conformity with the August 12, 1992, amendments of Model Rule 7.4 to allow the advertisement of specialists, with the exception that Model Rule 7.4(c)(2) was not adopted. Model Rule 7.4(c)(2) would have allowed the advertisement of a specialty designated by a non-approved organization if the appropriate disclaimer was included. To allow this type of advertisement would cause confusion and would be misleading to the public.

Deletion of "limited to" or "concentrated in" particular fields conforms to the 1989 amendment of Model Rule 7.4 deleting the same language.

Rule 7.4 is a direct counterpart to Temporary DR 2-104, which was substantially adopted from Model Rule 7.4.