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**E-90-2      Lawyer advertising: Advertising  
licensed status in another profession or a  
presently held public office or position**

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**Questions**

1. May a lawyer advertise the fact that the lawyer holds a public office or position?
2. May a lawyer advertise the fact that the lawyer also is licensed in another profession or occupation?

**Opinion**

Question 1: Yes, subject to SCR 20:7.5(c) and SCR 20:8.4(d). “The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.” SCR 20:7.5(c). And “(i)t is professional misconduct for a lawyer to state or imply an ability to influence improperly a government agency or official.” SCR 20:8.4(d).

These rules do not absolutely prohibit public officeholders from being identified with a law practice or lawyers in private practice from communicating their status as public officials or employees. Whether or not such communications might “state or imply an ability to influence improperly a government agency or official” must be determined on a case-by-case basis. SCR 20:8.4(d). Accordingly, this committee withdraws its Formal Opinion E-83-22 but reaffirms it in part as follows:

The committee has interpreted the advertising rule as encouraging attorneys to provide potential clients with such information as will promote an informed selection of counsel. Public titles, at best, provide a minimal amount of such information and, at worst, encourage lay persons to choose counsel for improper reasons such as the possibility of a public officeholder [sic] being able to obtain a special result.

A specific example of advertising a public position which should not be in violation of the rules of conduct would be that of advertising the fact that a lawyer

is a “court commissioner” of some kind. This committee takes notice that this long has been a common practice which apparently has not posed any danger to the public.

Question 2: This committee withdraws its Formal Opinions E-80-4 and E-83-8. The Rules of Professional Conduct for Attorneys (SCR Chapter 20), effective Jan. 1, 1988, contain no express prohibition against advertising the fact that a lawyer also is licensed in another occupation or profession. If a problem exists with any specific example of such advertising, the problem presumably would relate to the general prohibitions against engaging in misleading or deceptive conduct. *See, e.g.*, SCR 20:7.1(a) and SCR 20:8.4(c).

Further, this committee does not believe that advertising that a lawyer also is a medical doctor or a certified public accountant, for example, would violate SCR 20:7.4’s prohibition against implying specialist status. SCR 20:7.4 does not prohibit lawyers from truthfully stating or implying that they have expertise of some kind. It does, however, prohibit lawyers from stating or implying that they have been formally recognized as a specialist. *See* SCR 20:7.4, Comment. Note that whether SCR 20:7.4 is unconstitutional in any respect is an issue in *In re Peel*, 126 Ill. 2d 397, 534 N.E.2d 980, 5 Law. Man. Prof. Conduct 19 (1989), *cert. granted* 57 L.W. 3859 (U.S. July 3, 1989).