

(Withdrawn)

**E-83-22 Advertising: Designation of public office
(Withdrawn held by attorney on letterhead
in part)**

Question

Is it appropriate for an attorney to designate a presently held public office on his or her letterhead?

Answer

No.

Opinion

The Wisconsin Code of Professional Responsibility, codified in Chapter 20 of the Wisconsin Supreme Court Rules, provides that a lawyer may advertise the lawyer's ability to provide legal services, except use of any advertisement which is false, misleading, deceptive or unfair is professional misconduct. SCR 20.08(7)(a). The rule permits an attorney to disseminate objective, relevant information on which a person may base an informed selection of counsel. SCR 20.08(7)(b). Included within the scope of the rule is a listing, in connection with an attorney's name, of an earned degree or a title derived from an earned degree indicating the attorney's training in the law. *See* SCR 20.08(6). The designation of a presently held public office on a lawyer's letterhead, however, does not appear to fall within the scope of this rule. Moreover, such information appears to be contrary to SCR 20.08(1)(d) and 20.08(5). *See* State Bar Memo Opinion 2/68, Wis. Bar Bull. Supp. (June 1979) in which the Professional Ethics Committee stated that information not germane to the information required on a lawyer letterhead, that is, the information set forth in SCR 20.08(1)(d), is a form of self-laudation and improper. *See also* SCR 20.49(3) and 60.11 (concerning a judge lending the influence of his or her name).

SCR 20.08(5) states that a lawyer engaged in "the practice of law and another profession or business may not so indicate on his or her letterhead." In ABA Informal Opinion 1196 (1971), the ABA Committee on Ethics and Profes-

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sional Responsibility interpreted “municipal judge” as being included within “another profession or business,” and held that it is improper to use a letterhead to indicate that one is both a lawyer and a judge. *See* Opinion E-138, 40 Ky. Bench & Bar at 24 (April 1976) in which it was stated that a lawyer’s letterhead may not show that he or she is a county judge or some other public official. *See also* Opinion 200, 44 N.Y.S.B.J. 114 (1972) (present or past legislative or judicial office may not be shown on letterhead); Informal Opinion 10-5-73, 3 Colo. Law, 49 (Jan. 1974) (may not show office of assistant attorney general on letterhead).

The committee fails to see how the listing of a presently held public office falls within the scope of “relevant information on which a person may base an informed selection of counsel” envisioned by the advertising rule. On the contrary, such information is potentially irrelevant and misleading. 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. *See* E-83-2 Wis. Bar Bull. (Aug. 1983). 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 office holder being able to obtain a special result.

Accordingly, it is the committee’s opinion that it would not be proper to an attorney to designate a presently held public office on his or her letterhead.