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USING ATTORNEY DESIGNATION WHILE
ENGAGING IN INSURANCE BUSINESS

LEGAL ETHICS INQUIRY 76-2

By letter dated April 15, 1976, you advised that you are licensed to practice law in the State of X and that you were formerly associated with a law firm in the City of Y. You have ceased active legal practice and are now associated with the ABC Life Insurance Company as a sales representative. In your position as a sales representative and in the normal course of your work you will make constant recommendations as to the financial planning of large corporations and individuals with substantial assets. You state you would like to point out to prospective clients your legal training for the purpose of demonstrating to them that you are better qualified to advise them than your competitors.

You ask whether you can use any of the following designations on your insurance company business card:

- (a) Attorney at Law;
- (b) Former Practicing Attorney;
- (c) Member of the X Bar Association.

DR 2-102(E) of the Code of Professional Responsibility provides as follows:

A lawyer who is engaged both in the practice of law and another profession or business shall not so indicate on his letterhead, office, sign,

or professional card, nor shall he identify himself as a lawyer in any publication in connection with his other profession or business.

The Committee is of the opinion that identifying yourself as a lawyer on your insurance company business card is proscribed by DR 2-102(E). While you are not actively engaged in the practice of law in the State of X, you are a member in good standing of the X Bar Association.

In Informal Opinion 634 (1963), the Committee on Ethics and Professional Responsibility of the American Bar Association said in part:

Since the bondsman and insurance agent is licensed to practice law in state A and not licensed to practice law in state B and since he is living and working in state B involving nonlegal matters, the standards of what he may do in state B may be different than what he could do in state A if he were there practicing law. However, Canon 29 provides, among other things, 'he (a lawyer) should strive at all times to uphold the honor and to maintain the dignity of the profession.' . . . Because he is a lawyer in state A he has this responsibility wherever he may live and wherever he may work. He does not uphold the honor and the dignity of the profession to use the fact of his state A admission to the bar as a means of advertising his bonding business or his insurance business. Canon 27 makes it unprofessional to advertise for law business. In the same way we believe it is a violation of Canon 29 to use the admission to the bar in advertising for other business which may be appropriate for a lawyer to carry on.

We also point out that you are not licensed to practice in the State of West Virginia. Your business address is West Virginia, and we assume you will engage in the insurance business in West

Virginia as well as in X. It would, therefore, be inaccurate and misleading for you to state on your business card that you are an "Attorney at Law" or a "Former Practicing Attorney."

While you may inform your prospects of your legal training and background, it would be improper for you to do so by means of a business card or announcement, in business advertising, or upon your business letterhead.