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**SPECIALIZATION**

**LEGAL ETHICS INQUIRY 77-8**

I have your letter inquiring as to the propriety of your business card which contains the following:

Specializing In:

Social Security  
Workmen's Compensation  
Personal Injury  
Department of Labor  
    Black Lung  
Medical Negligence

Your attention is directed to DR 2-105(A)(4) of the Code of Professional Responsibility which provides as follows:

A lawyer who is certified as a specialist in a particular field of law or law practice by the authority having jurisdiction under state law over the subject of specialization by lawyers may hold himself out as such specialist but only in accordance with the rules prescribed by that authority.

The West Virginia State Bar has issued no rules relating to specialization and has never established any procedure for certifying lawyers as specialists in any particular field. Accordingly, it is improper for a lawyer to hold himself out as a specialist except a lawyer admitted to practice before the United States Patent Office may use the designation "patents," "patent attorney" or "patent lawyer," or any combination of those terms,

on his letterhead and office sign. A lawyer engaged in the trademark practice may use the designation "trademarks," "trademark attorney" or "trademark lawyer," or any combination of those terms, on his letterhead and office sign, and a lawyer engaged in the admiralty practice may use the designation "admiralty," "proctor in admiralty" or "admiralty lawyer," or any combination of those terms, on his letterhead and office sign.

The amendments to the Code of Professional Responsibility considered by the American Bar Association in the light of the decision of the Supreme Court of the United States in Bates v. State Bar of Arizona, 97 S. Ct. 2691 (1977), would not alter the effect of present DR 2-105(A)(4). The Code of Professional Responsibility has not been so amended by the West Virginia Supreme Court of Appeals. Furthermore, your card indicates you have special competence in the fields mentioned. This is prohibited even under proposed amendments to the Code of Professional Responsibility.

In some states it is not improper to limit one's practice to one or more fields of law so long as in so doing there is no indication or implication that the lawyer has special competence in a particular area of the law or has been officially recognized or certified as a specialist in those fields.

It is the opinion of the Committee that your card violates DR 2-105(A)(4) in that it implies that you have special competence in the fields of law mentioned thereon.