

ETHICS OPINION

RO-94-12

[REDACTED]

QUESTION:

Is it a violation of Rules 7.1 and 7.7 of the Rules of Professional Conduct for a lawyer to communicate on the lawyer's letterhead, business cards, or advertisement that the lawyer is certified by the American Arbitration Association as an arbitrator?

ANSWER:

It is not false and misleading and, thus, not a violation of Rules 7.1 and 7.7 for a lawyer to communicate the fact that the lawyer has been certified as an arbitrator by the American Arbitration Association.

DISCUSSION:

Rule 7.1(d) of the Rules of Professional Conduct provides as follows:

"Rule 7.1 Communications Concerning a  
Lawyer's Services

A lawyer shall not make or cause to be made a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

\* \* \*

- (d) Communicates the certification of the lawyer by a certifying organization, except as provided in Rule 7.7."

Rule 7.7 provides that a lawyer may not communicate that he or she has been certified by a certifying organization unless that organization has been approved by the Alabama State Bar Board of Legal Specialization. This Rule contemplates legal specialties that are within the practice of law. It does not contemplate other disciplines outside the practice of law, such as accounting, medicine, engineering, financial planning, etc. The Disciplinary Commission, on a number of occasions, has held that a lawyer may communicate non-legal disciplines on the lawyer's letterhead, business cards, or in the lawyer's advertising (see RO-87-80 - lawyer/engineer and RO-91-12 - lawyer/financial planner).

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Since an arbitrator does not necessarily have to be a lawyer, it is the view of the Disciplinary Commission that an arbitrator should be characterized as a non-lawyer discipline and, thus, such designation may be placed on a lawyer's letterhead, business card, or in advertising without the lawyer being certified pursuant to Rule 7.7.

RWN/vf

9/30/94