

COMMITTEE ON ATTORNEY ADVERTISING
Appointed by the New Jersey Supreme Court

OPINION 7
Communicating Expertise
in a Field of Practice

This inquiry originated as a grievance filed by this Committee against an attorney who had caused an advertisement to be published in a newspaper of general circulation. The grievance alleged that the advertisement violated RPC 7.4 in that it stated that the attorney specialized in malpractice cases when medical malpractice law has not been designated by our Supreme Court as an area of specialty certification. In lieu of formal action, the Committee sent the attorney a letter requesting that he cease and desist from making use of this or any future advertisement communicating such specialization. The attorney agreed, and coupled his assent with an inquiry concerning the propriety of using the following alternative language:

1. "My practice is concentrated in the field of malpractice" and/or
2. "Malpractice work involves particular expertise."

The information conveyed by a statement communicating concentration in a field of practice readily identifies for consumers an attorney who has a familiarity with, is seeking, and willing to handle, a particular type of matter. See Opinion 4, 122 N.J.L.J. 746 (1988). This is consistent with the requirement that attorney advertising be "predominantly informational." RPC 7.2(a). Since the attorney has advised us that the "focus of my practice is on malpractice cases," we hold that he may communicate concentration in that field of practice.

However, the statement that "malpractice work involves particular expertise" implies that this attorney possesses expertise that other attorneys do not, and could be interpreted as a claim of superior legal ability. RPC 7.1(a)(3) prohibits an attorney from making any communication that "compares the lawyer's service with other lawyers' services." Therefore, we hold that an attorney may not, directly or indirectly, communicate expertise in a field of practice unless the attorney has been certified as a specialist in such field.