

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT
OPINION NO. 21 - 1997

RE: Whether a law firm can include the name of a retiring judge who will be joining the firm, and the date he will be joining, in its Yellow Pages advertisement.

FACTS

A law firm would like to include the name of a retiring judge who will be joining the firm and the date he will be joining the firm in its Yellow Pages advertisement.

CONCLUSION

A judge may have his name in the firm's advertisement as long as there is no reference to him being a judge or a retired judge, and as long as the advertisement complies with Disciplinary Rule 2-101 of the Code of Professional Responsibility.

DISCUSSION

In Opinion 1987-6, this Committee dealt with the propriety of a retired Judge's name appearing on his law firm's stationary as "retired." There we explained that Canon 2(B) provides that a judge "should not lend the prestige of his office to advance the private interests of others." Nor should he involve himself in the financial and business dealings that tend "to exploit his judicial position." Canon 4(D)(1)(a). He must act in a manner that promotes and upholds the integrity of the judiciary. Canon 1.

Also, the Commentary to Canon 2 explains that in a contract for publication of a judge's writings, a judge should retain control over the advertising to avoid exploitation of the judge's office.

Finally, Rule 7.1 and Rule 7.2 of the rules of Professional Conduct regulates communications concerning a lawyer's services and attorney advertising in this state. Rule 7.1 provides that an attorney shall not make a false or misleading communication about the lawyer or the lawyer's services. Pursuant to Rule 7.1 (b), a communication is false or misleading if it is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other laws.

Therefore, a judge may have his name in the firm's advertisement as long as there is no reference to him being a judge or a retired judge, and as long as the advertisement complies with Rule 7.1 and Rule 7.2 of the Rules of Professional Conduct.

A. CAMDEN LEWIS, CHAIRMAN (not
participating)
HONORABLE JAMES A. SPRUILL, III
HONORABLE HENRY F. FLOYD

December 22, 1997.