

Re: Advisory Opinion 2004-02

Date: March 3, 2004

SUBJECT: Use of Earned Academic Degrees on Letterheads

Issue: This committee has been asked whether the Arkansas Rules of Professional Conduct permit an attorney to list an academic degree, such as LL.M. (Taxation), on business cards and stationery.

Discussion: In 1978 the Arkansas Supreme Court modified the Code of Professional Responsibility (now superseded) to allow attorneys to publicize a laundry list of approved information. The 25 categories included academic degrees and honors, professional associations, foreign language abilities and other matters.

With the adoption of the Arkansas Rules of Professional Conduct in 1986, the focus shifted from an approved list of material to a simple restriction against anything false or misleading. Rule 7.1 states: "A lawyer shall not make a false or misleading statement about the lawyer or the lawyer's services."

Accordingly academic degrees of any type may be listed on business cards, stationery, telephone book advertising, and in any other medium. For example, an attorney is permitted to list: B.A. (History), Arkansas Tech University; M.A. (Political Science), Arkansas State University, Ph.D. in English (University of Oklahoma), J.D. (summa cum laude), U. of Arkansas at Little Rock. LL.M. (Agricultural Law), University of Arkansas. The only requirement is that the statement be truthful.

Rule 7.4 restricts the use of term "speciality" or its variations to discrete categories. Currently some Arkansas attorneys have been certified as tax specialists (through December 31, 2005) and only those may so describe themselves in advertising mediums. However, we do not believe that listing an LL.M. in Taxation violates this specialization rule. The designation does not use the term specialization, nor does it improperly imply a specialization.

Conclusion:

A lawyer may list earned degrees, including law degrees and advanced law degrees, on stationery, business cards, and all other type of media.

NOTICE

"This is an opinion only of the Arkansas Bar Association which is a voluntary association of attorneys licensed to practice in the State of Arkansas, and reliance thereon is voluntary and relieves any Association member from liability for the content hereof. This opinion is intended to be the

Association's best interpretation of the Model Rules of Professional Conduct as promulgated by the Supreme Court of Arkansas as that code applies to the written facts presented to the Committee."

ARKANSAS BAR ASSOCIATION

By: _____
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Professional Ethics Committee