STATE BAR OF NEVADA
STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

Formal Opinion No. 17
February 25, 1994

QUESTION - May a lawyer advertise that the lawyer is willing to accept cases in more than three areas of law?

ANSWER - Supreme Court Rule 198 prohibits the advertising of more than three designated areas of practice.

AUTHORITIES RELIED ON

DISCUSSION
Nevada Supreme Court Rule 198 reads in pertinent part as follows:
"A lawyer shall not communicate that the lawyer …does or does not practice in particular fields of law, except in accordance with this Rule."
The fundamental question is whether an attorney who does not intend to indicate either special skill or concentration in fields of practice is covered by SCR 198. The answer lies in the misleading or deceptive nature of a listing of particular fields of practice without either a comprehensive disclaimer or words of limitation such as "Practice limited to …," or "Practicing primarily in …." The committee cannot envision an advertisement which lists several areas of practice for a lawyer which, without an appropriate explanation or disclaimer1, would not mislead the...
Impossible to perceive a difference between those attorneys whose advertisements comply with SCR 198 and those attorneys whose advertisements do not comply.

2The yellow pages also reveals that some attorneys advertise three or less areas of practice without any indication as to whether the requirements of SCR 198 are being met. The bar is reminded that the disclaimer language of SCR 198(3)(b) is required for advertisements of three or less fields of practice. Otherwise, a suitable explanation, such as the one suggested in footnote 1 above, must be included to avoid the deception inherent in such an advertisement.


CONCLUSION
While every advertisement must be reviewed on its own, the committee believes that a listing of more than three areas of practice would be a violation of SCR 198 unless such a listing does not imply special training, skill, or experience in the areas listed and contains an appropriate disclaimer.

This opinion is issued by the Standing Committee on Ethics and Professional Responsibility of the State Bar of Nevada, pursuant to SCR 225. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, its Board of Governors, any person or tribunal charged with regulatory responsibilities, or any member of the State Bar.