

Nebraska Ethics Advisory Opinion for Lawyers
No. 73-1

1. IT IS PERMISSIBLE TO PUBLISH PERIODICALLY IN THE CREIGHTON LAW REVIEW AND THE NEBRASKA LAW REVIEW THE INQUIRER'S DIGNIFIED STATEMENT OF AVAILABILITY AS A CONSULTANT TO OTHER LAWYERS.

2. IT IS PERMISSIBLE IN A BRIEF BIOGRAPHICAL STATEMENT ACCOMPANYING AN ARTICLE ON SECURITIES LAW IN A LEGAL JOURNAL (SUCH AS A LAW REVIEW OR OTHER LEGAL PUBLICATION CIRCULATED PRIMARILY TO LAWYERS) TO STATE THAT THE AUTHOR IS AVAILABLE AS CONSULTANT TO OTHER LAWYERS, BUT IT WOULD NOT BE PROPER TO STATE THAT THE AUTHOR SPECIALIZES IN OR IS PRINCIPALLY ENGAGED IN THE PRACTICE OF A LIMITED FIELD OF LAW FOR A SPECIFIED NUMBER OF YEARS.

3. REFERENCE TO DR 2-105 (A) (3) IN A PERMISSIBLE ANNOUNCEMENT IS NOT PROPER.

CODE PROVISIONS INTERPRETED:

DR 2-105 Limitation of Practice.

(A) A lawyer shall not hold himself out publicly as a specialist or as limiting his practice, except as permitted under DR 2-102(A)(6) or as follows: ... (3) A lawyer available to act as a consultant to or as an associate of other lawyers in a particular branch of law or legal service may distribute to other lawyers and publish in legal journals a dignified announcement of such availability, but the announcement shall not contain a representation of special competence or experience. The announcement shall not be distributed to lawyers more frequently than once in a calendar year, but it may be published periodically in legal journals.

FACTUAL SITUATION

The inquirer spends the bulk of his practice in the field of securities law, and he poses three questions:

1. Is it permissible to publish periodically in the Creighton Law Review and the Nebraska Law Review a dignified statement that he is available to act as consultant to other lawyers in the field of securities law?

2. Is it proper in a brief biographical statement accompanying an article on securities law in a legal

