

PCB 88

[07-Apr-1995]

STATE OF VERMONT

PROFESSIONAL CONDUCT BOARD

In re: PCB File No. 95.22

NOTICE OF DECISION

Decision No. 88

This matter, presented to us by stipulated facts which we incorporate by reference as our own, presents a case of improper representation of the respondent's qualifications.

Respondent placed an ad which identified respondent as "specializing in divorce and family law."

DR 2-105 of the Code of Professional Responsibility provides that "A lawyer shall not state that the lawyer is a specialist except in the areas of patent or admiralty law ... or where the lawyer has met the requirements for recognition as a specialist, as determined by the Supreme Court of Vermont."

The Supreme Court of Vermont has not determined the requirements for recognition as a specialist in family law. Respondent's conduct clearly violated DR 2-105.

When this violation was brought to Respondent's attention, Respondent admitted the error and took steps to strike the advertisement. In further mitigation, we find that Respondent has no prior disciplinary history and has been completely cooperative with these proceedings.

In aggravation, we find that Respondent has substantial experience in the practice of law, having been admitted to the Vermont Bar nearly 15 years ago.

We know of no actual injury. The advertisement may have improperly influenced potential clients in their comparison of the qualifications of lawyers available to represent them in family matters. The injury is perhaps best expressed by the anonymous attorney who brought this violation to the Board's attention: "This ad is harmful to all attorneys who have refrained from violating DR 2-105 in their respective attempts to obtain and retain clients."

Respondent violated a duty owed to the profession and did so negligently. Section 7.4 of the ABA Standards for Imposing Lawyer recommends imposition of an admonition in such cases. Respondent and Bar Counsel agree that an admonition is appropriate.

We direct the chair to issue a private letter of admonition to Respondent.

Dated at Montpelier, Vermont this \_7th\_\_\_\_ day of April 1995.

/s/

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Deborah S. Banse, Chair

/s/

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George Crosby

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Donald Marsh

/s/

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Joseph F. Cahill, Esq.

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Karen Miller, Esq.

/s/

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Nancy Corsones, Esq.

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Garvan Murtha, Esq.

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Paul S. Ferber, Esq.

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Robert F. O'Neill, Esq.

/s/

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Nancy Foster

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Ruth Stokes

/s/

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Rosalyn L. Hunneman

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Jane Woodruff, Esq.

/s/

/s/

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Robert P. Keiner, Esq.

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Edward Zuccaro, Esq.

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