

**ETHICS OPINION NUMBER 153
OF THE MISSISSIPPI BAR
RENDERED JUNE 2, 1988**

COMMUNICATION OF FIELD OF PRACTICE - An attorney may not publicly communicate the fact that he is certified or a specialist in any field other than that of patent or admiralty.

The Ethics Committee of the Mississippi State Bar has been requested to render an opinion on the following situation:

An attorney has requested to know whether or not it is permissible to inform the public and advertise that the attorney is a Board Certified Civil Trial Advocacy or Criminal Trial Advocacy specialist. The attorney has been certified by the National Board of Trial Advocacy, a group founded in 1977 whose literature states that its purpose is to provide the public and the profession with the highest quality representation and assurance of excellence in the Courtroom. The NBTA further states that its certification is an objective verifiable indication that a certified attorney possesses the knowledge and skills essential for the provision of excellent services in civil or criminal trial advocacy. Its requirements for certification include extensive trial experience, evaluation of a trial brief prepared by the attorney, professional references from lawyers and judges, participation in continuing legal education, and successful completion of a rigorous day long written examination. After having been certified by this organization, the attorney requests an opinion as to whether or not he may inform the public of his certification as a specialist by the National Board of Trial Advocacy.

Mississippi attorneys are bound by the Mississippi Rules of Professional Conduct and the answer to this request is found in Rule 7.4(b), which states as follows:

A lawyer shall not state or imply that the lawyer is a specialist except as follows:

(1) a lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the

designation "patent attorney" or a substantially similar designation;

(2) a lawyer engaged in admiralty practice may use the designation "admiralty," "proctor in admiralty" or a substantially similar designation.

While the Committee finds that the questioned trial certification might certainly be an admirable and desirable status for an attorney and may enable clients to make an informed choice of counsel, the Committee knows of no procedure in Mississippi that recognizes this trial certification or specialty. Therefore, in the absence of a Mississippi procedure for certification or specialization, an attorney may not indicate in public communications about his services that he is certified by the National Board of Trial Advocacy.