



**ILLINOIS STATE
BAR ASSOCIATION**

ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in July 2010. Please see the 2010 Illinois Rule of Professional Conduct 7.2. This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

**Opinion Number 756
June 4, 1982**

Topic: Billboards

Digest: A lawyer may permit his name to appear on a billboard indicating that he did legal work for a participant in a construction project.

Ref: Rule 2-101

QUESTION

A billboard will be erected at the site of a restaurant remodeling project to recognize various entities that performed services making the acquisition and remodeling possible. The names of the bank handling the financing and the architect will be included.

A lawyer inquires whether it would be ethical for him to allow his name to appear on the billboard in the following manner: "Legal work for project by V. Ry Able."

OPINION

There appears to be no per se impropriety in the lawyer having his name appear on the billboard

providing the billboard contains all information necessary to make the advertisement not misleading.

The thrust of Rule 2-101 of the Illinois Code of Professional Responsibility provides that a lawyer may publicize himself through any commercial publicity or other form of public communication, if the communication is limited to certain information which a reasonable person might regard as relevant in determining whether to seek the lawyer's services. The form of the communication cannot be false or misleading and shall be direct, dignified and readily comprehensible. In subsection (b) of Rule 2-101, it also imposes upon the lawyer doing the advertising, the duty of including in the advertisement, "...all information necessary to make the communication not misleading...".

Applying the tests under Rule 2-101 to the question submitted, we must conclude that such an advertisement may well be permitted. The inquirer does not propose any language that is self-laudatory or comparative in nature, but rather proposes only to indicate to the public that he or she provided the legal service that made the acquisition and remodeling possible. If there is anything in the proposed billboard advertisement that fails to meet the tests set forth by Rule 2-101, it is in the failure of the advertisement to indicate to whom the services were provided, i.e. the owner, general contractor or sub-contractors or any one of them. Such an omission is easily remedied.