

LO 89-05

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May 2, 1989

[REDACTED]

Re: Ethics Committee Opinion

Dear [REDACTED]

The Ethics Committee of the State Bar Association of North Dakota at its meeting on May 1st discussed your letter of March 24, 1989.

We agree with the suggestion in your letter that the new rules do not proscribe cross advertising as did DR2-102(E).

We believe it would be permissible for you to advertise as both an accountant and lawyer so long as the advertising is consistent with Rule 7.1 of the North Dakota Rules of Professional Conduct.

We hope that this letter is of some assistance to you in determining how to comply with the rules.

Sincerely,

Patrick J. Ward

PJW:gb
[REDACTED]

March 24, 1989

Patrick Ward, Esq.
Chairman - Ethics Committee SBAND
P.O. Box 1695
Bismarck, ND 58502

Dear Mr. Ward:

The Code of Professional Responsibility, which previously was the basis of our conduct as lawyers, provided:

"DR2-102(E) a lawyer who is engaged both in the practice of law and another profession or business may not so indicate on his letterhead, office sign or professional card, nor may he identify himself as a lawyer in any publication in connection with his other profession or business".

The effect of this was, as I understood it, to require one who was licensed both as a lawyer and a certified public accountant to elect which profession he would present himself in.

I cannot locate anything in the new Rules of Professional Conduct which tells me whether a newspaper advertisement such as the one attached is permissible.

I realize it's entirely possible that the answer is in the new Rules, and if you could refer me to the applicable provision, I'll appreciate it. If it's not covered specifically in the new Rules, I'd appreciate a ruling from you as to whether such an advertisement is permitted.

Yours very truly,

Enclosure

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MAR 27 '89
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