

**Rule 7.4 [1-400(D)(6)] Communication of Fields of Practice and Specialization
(Commission's Proposed Rule Adopted on March 31 – April 1, 2016
– Clean Version)**

- (a) A lawyer shall not state that the lawyer is a certified specialist in a particular field of law, unless:
 - (1) the lawyer is currently certified as a specialist by the Board of Legal Specialization, or any other entity accredited by the State Bar to designate specialists pursuant to standards adopted by the Board of Trustees; and
 - (2) the name of the certifying organization is clearly identified in the communication.
- (b) Notwithstanding paragraph (a), a lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer may also communicate that his or her practice specializes in, is limited to, or is concentrated in a particular field of law, subject to the requirements of Rule 7.1.

**Proposed Rule 7.4 [1-400] Firm Names and Trade Names
Synopsis of Public Comments**

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|------------------|---------------|
| TOTAL = 1 | A = — |
| | D = — |
| | M = 1 |
| | NI = — |

| No. | Commenter/Signatory | Comment on Behalf of Group? | A/D/M/NI ¹ | Rule Section or Cmt. | Comment | RRC Response |
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| 2016-43at | COPRAC (Baldwin) (8-12-16) | Y | M | (b) | Paragraph (b) should more closely parallel the model rule by allowing an attorney to refer to herself as a certified specialist as long as the bona fides of the accrediting authority are disclosed. | Although the commenter refers to para. (b) as the provision pertaining to certified specialists references, the Commission believes that proposed Rule 7.4 requires that para. (b) be read in conjunction with para. (a). When read together and compared Model Rule 7.4, it should become apparent that proposed Rule 7.4 is broader than the Model Rule in allowing truthful and non-deceptive information to be communicated to prospective clients. This, in turn, facilitates informed decisions by consumers in selecting a lawyer. Proposed Rule 7.4 is broader because it expressly permits truthful representations that a lawyer “specializes in” a particular field of law. It is not clear that such a communication would be permitted under Model Rule 7.4 because the Model Rule only allows a lawyer to state whether the lawyer “does or does not practice in particular fields.” In California, there may be fields of practice for |

¹ A = AGREE with proposed Rule

D = DISAGREE with proposed Rule

M = AGREE ONLY IF MODIFIED

NI = NOT INDICATED

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|-----|---------------------|-----------------------------|-----------------------|----------------------|---------|--|
| | | | | | | <p>which certification as a specialist is not presently available (e.g., unmanned aircraft or vehicle (drone) laws). For a client who is seeking an attorney who possesses that expertise, a lawyer's ability to communicate that he or she has a practice that is "specializing in" or "concentrated in" that field is significant and promotes access to competent counsel.</p> <p>To the extent the commenter believes that paragraph (a) is too restrictive by requiring that a lawyer may seek certification only by a national entity accredited by the State Bar, the rule simply states the current regulatory framework for specialization in California.</p> |
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