



IOWA STATE BAR ASSOCIATION
COMMITTEE ON
ETHICS AND PRACTICE GUIDELINES

NICK CRITELLI, JD, CHAIRMAN,
317 SIXTH AVENUE
SUITE 950
DES MOINES, IA 50309
515.243.3122
NICK@CRITELLILAW.COM

DAN MOORE, JD, SIOUX CITY, IA
DAVE PHIPPS, JD, DES MOINES, IA
ERIC LAM, JD, CEDAR RAPIDS, IA
TIMOTHY SWEET, JD, REINBECK, IA
J.C. SALVO, JD, HARLAN, IA
MARION JAMES, JD, LLM, CRESTON, IA
MAUREEN HEFFERNAN, JD., SIOUX CITY, IA

August 25, 2009

Mr. Dwight Dinkla
Executive Director
Iowa State Bar Association
625 E. Court
Des Moines, IA 50309

Re: Ethics Opinion 09-02
Fields of Practice: Mandatory Terms

Dear Mr. Dinkla:

We have been asked to give guidance regarding the terminology to be used in communicating fields of practice and specialization under Rule 32.7.4. Areas of substantive law, the parameters of which can be verified by objective legal standards, can be given consideration as a field of practice. For example, the listing under Rule 32.7.4(a) are all recognized fields of practice which are easily identified as substantive areas of the law. Conversely, descriptions of practice which cannot be identified by reference to a recognized body of substantive law are not considered as a “field of practice” within the meaning of Rule 32.7.4(a).

The purpose underlying the requirement that lawyers use the specific terminology used in the rule to describe their practice is that Rule 32.7.4(e) requires a lawyer to make certain filings with the Office of Professional Regulation. That office must match the lawyer’s representation regarding the nature and extent of the lawyer’s practice and continuing legal education against an objective known standard of substantive law which is defined by the designation.

Rule 32.7.4(a) allows the list to grow by providing that “Any member of the Bar desiring to expand this list may file an application with the supreme court specifying the requested change.” The list has been expanded and now consists of 73 recognized fields of practice.

However, the Rule does recognize that there must be a degree of editorial flexibility in the actual use of the field of practice terminology. Rule 32.7.4(a) provides that “In describing the field of practice the lawyer may use the suffix ‘law,’ ‘lawyer,’ ‘matters,’ ‘cases,’ or ‘litigation.’” Accordingly, a lawyer properly qualified could describe the practice as Energy, Energy Law, Energy Litigation, Energy Cases, Energy Lawyer, Energy Matters.

Field of practice classifications become important with regard to the operation of other Rules. For example, Rule 32.7.2(d)(2) provides that:

- (2) Listings in the classified section shall be under the general heading “Lawyers” or “Attorneys,” except that a law firm may be listed in each of the classifications or headings identifying those fields or areas of practice as listed in Rule 32.7.4(a) in which “one or more members of the firm are qualified by virtue of compliance with Rule 32.7.4(e).”

The Committee has received inquiry from several lawyers who wish to avail themselves of the option to be listed under a field of practice designation in the classified section of their local telephone directory. To the extent that the field of practice descriptions are as set forth in Rule 32.7.4(a) and the lawyer has complied with Rule 32.7.4(e), the lawyer would be in compliance with the rule. However, if the field of practice descriptions are not in accord with Rule 32.7.4(a), Rule 32.7.2(d)(2) would be violated.

In order to fully comply with the rules, the best practice would be to ensure that both the content of the proposed advertisement as well as how the publisher will display and describe the service are in compliance with the rules. Lawyers are urged to be mindful that it is not the responsibility of the directory publisher or any other advertising entity to comply with the Iowa Rules of Professional Conduct; it is the lawyer’s responsibility.

For the Committee



Nick Critelli, Chair