

June 23, 2008

The Question

This week I received an email from Martindale-Hubbell offering to sell me the right to use my AV rating to “enhance my marketing initiatives.” For more information about this program go to www.mhur.com/icon/aboutmartindalehubbell.

I bill myself as an attorney-mediator since I practiced law for 40 plus years, but now only mediate, arbitrate, etc. Do you have any objection to my including this Martindale logo on my letterhead, professional cards and website, together with other ADR fellowships and memberships I hold?

Submitted by Certified Family & Circuit Mediator
Northern Division

Authorities Referenced

Rule 10.610, Rules for Certified and Court-Appointed Mediators
MEAC Opinions 2004-001 and 2007-006

Summary

A mediator is not prohibited from including accurate information in marketing material so long as it is not misleading; therefore, the mediator may use the information and/or logo, if it is clear that the rating relates to the attorney-mediator’s law practice (as opposed to his/her mediation practice).

Opinion

Mediators shall market their practice in a manner which is neither false nor misleading. Rule 10.610. While the rules do not specifically prohibit or sanction the use of ratings or logos, generally, a mediator is not prohibited from including accurate information in marketing material. However, if a mediator uses an AV rating from Martindale Hubbell or the logo, the mediator has an obligation to do so in a manner that does not mislead. Therefore, the mediator must ensure that, if the information and/or logo are used, it is clear that the rating relates to the attorney-

mediator's law practice (as opposed to his/her mediation practice). See MEAC 2004-001 and 2007-006.

Date

Fran Tetunic, Committee Chair