lems,[1048] or prohibit an attorney from holding himself out as a certified civil trial specialist,[1049] or prohibit a certified public accountant from holding herself out as a certified financial planner.[1050]

However, a state has been held to have a much greater countervailing interest in regulating person-to-person solicitation of clients by attorneys; therefore, especially because in-person solicitation is "a business transaction in which speech is an essential but subordinate component," the state interest need only be important rather than compelling.[1051] Similarly, the Court upheld a rule prohibiting high school coaches from recruiting middle school athletes, finding that "the dangers of undue influence and overreaching that exist when a lawyer chases an ambulance are also present when a high school coach contacts an eighth grader."[1052] The Court later refused, however, to extend this principle to in-person solicitation by certified public accountants, explaining that CPAs, unlike attorneys, are not professionally "trained in the art of persuasion," and that the typical business executive client of a CPA is "far less susceptible to manipulation" than was the accident victim in *Ohralik*.[1053] A ban on personal solicitation is "justified only in situations 'inherently conducive to overreaching and other forms of misconduct.'"[1054] To allow enforcement of such a broad prophylactic rule

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[1048] Shapero v. Kentucky Bar Ass'n, 486 U.S. 466 (1988). *Shapero* was distinguished in Florida Bar v. Went For It, Inc., 515 U.S. 618 (1995), a 5–4 decision upholding a prohibition on targeted direct-mail solicitations to victims and their relatives for a 30-day period following an accident or disaster. "*Shapero* dealt with a broad ban on *all* direct mail solicitations" (id. at 629), the Court explained, and was not supported, as Florida's more limited ban was, by findings describing the harms to be prevented by the ban. Dissenting Justice Kennedy disagreed that there was a valid distinction, pointing out that in *Shapero* the Court had said that "the mode of communication [mailings versus potentially more abusive in-person solicitation] makes all the difference," and that mailings were at issue in both *Shapero* and *Florida Bar*. 515 U.S. at 637 (quoting *Shapero*, 486 U.S. at 475).

[1049] Peel v. Illinois Attorney Disciplinary Comm'n, 496 U.S. 91 (1990).

[1050] Ibanez v. Florida Bd. of Accountancy, 512 U.S. 136 (1994) (also ruling that Accountancy Board could not reprimand the CPA, who was also a licensed attorney, for truthfully listing her CPA credentials in advertising for her law practice).

[1051] Ohralik v. Ohio State Bar Ass'n, 436 U.S. 447 (1978). *But compare In re* Primus, 426 U.S. 412 (1978). The distinction between in-person and other attorney advertising was continued in Zauderer v. Office of Disciplinary Counsel, 471 U.S. 626 (1985) ("print advertising . . . in most cases . . . will lack the coercive force of the personal presence of the trained advocate").

[1052] Tennessee Secondary School Athletic Ass'n v. Brentwood Academy, 551 U.S. 291, 298 (2007).

[1053] Edenfield v. Fane, 507 U.S. 761, 775 (1993).

[1054] Edenfield v. Fane, 507 U.S. at 774, quoting *In re* R.M.J., 455 U.S. at 203, and quoted in Tennessee Secondary School Athletic Ass'n v. Brentwood Academy, 551 U.S. 291, 298 (2007).