



## Committee on Professional Ethics

Opinion #235 - 3/17/72 (7-72) Topic: Advertising.  
Directory of Lay Organization.

Digest: Estate planning council's  
directory should not identify  
lawyer members by profession.

Code\*: DR 2-101(B); 2-102(A)(6);  
2-103; 2-105(A).  
EC 2-9

### QUESTION

May a lawyer-member of an organization composed of lawyers, trust officers, life insurance underwriters and accountants whose objectives are the exchange of ideas for the improvement of their respective skills and also the enhancement of the stature of the organization and its membership in the eyes of all those interested in the field of estate planning, permit his name, firm name, profession, office address and telephone number to be listed in a directory of the organization's membership and is mailed to lay organizations which might invite speakers.

### OPINION

It is improper for a lawyer to permit himself to be identified as such in a directory or roster of members of an organization except as expressly authorized by the Code.

DR 2-101(B) provides in part that:

"A lawyer shall not publicize himself, his partner, or associate as a lawyer through newspaper or magazine advertisements, radio or television announcements, display advertisements in city or telephone directories, or other means of commercial publicity, nor shall he authorize or permit others to do so in his behalf except as permitted under DR 2-103."

The exceptions permitted by DR 2-103 relate to the recommendation and furnishing of legal services, and do not apply to an organization of the type here described, nor is the directory of membership of such organization a "law list or legal directory" authorized to give biographical data, within the meaning of DR 2-102(A)(6). See N.Y. State 194 (1971) and N.Y. State 213 (1971).

OVER-----

**NEW YORK STATE BAR ASSOCIATION**  
**Professional Ethics Committee Opinion**

Opinion #235

-2-

Not only does the public identification of a lawyer's profession violate the traditional ban against advertising (EC 2-9), but in the case of an organization of the type here described the very composition of its membership and its title tend to create an impression of expertise in a particular field of law. If publicized, this would constitute a violation of DR 2-105(A), which, subject to certain exceptions not here applicable prohibits a lawyer from holding himself out as a specialist.

A burden is cast upon lawyers belonging to such groups to be particularly scrupulous in their avoidance of even an appearance of advertising or solicitation. Indicating their profession even indirectly, is disapproved.

-----