



Committee on Professional Ethics

Opinion #311 - 11/16/73 (42-73)

Topic: Directory Listing of
Firm Name

Digest: A law firm name may not
be included in a directory
except where permitted
under the Code.

Code: DR 2-101(A); 2-101(B); 2-103
EC 2-9; 2-10.

QUESTION

May an attorney who is a member of an organization consisting of lawyers and non-lawyers permit his law firm's name and address to be listed in a directory of members of said organization?

OPINION

DR 2-101(B) provides in part:

"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. This does not prohibit limited and dignified identification of a lawyer as a lawyer as well as by name:

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"(2) In public notices when the name and profession of a lawyer are required or authorized by law or are reasonably pertinent for a purpose other than the attraction of potential clients.

"(3) In routine reports and announcements of a bona fide business, civic, professional, or political organization in which he serves as a director or officer."

DR 2-102(A)(5) permits, with some limitations, the listing of a lawyer or law firm in a telephone directory or city directory. The purpose of such a listing is to assist the public in locating an already selected attorney rather than to call the attention of the public to a particular attorney by reason of his specialty, affiliations, or method of advertising. EC 2-9, EC 2-10.

The use of a firm name in an organization directory was disapproved in N.Y. State 235 (1972). The listing in the directory there under consideration was prohibited under the rule that a listing is not permitted except as authorized by the Code. DR 2-101(B), DR 2-103. The public identification of the lawyer's profession violated the traditional ban against advertising and the type of organization and

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composition of its membership tended to create an impression of expertise in a particular field of law. DR 2-105(A).

The types of organization with laudable purposes that might create such impression are endless. Organizations formed by members of the public for "Marital Equality", "Reformation of Bankruptcy Business Practice", "Automobile Accident Reforms", or "International Trade" are but a few examples. The listing of a firm name as distinguished from an individuals name in such organizations must be presumed to be for the purpose of advertising.

Mere lack of identification of a law firm as such does not make such listings acceptable. The listing of law firms by name, though not identified as a law firm, in a list other than an approved law list or telephone or city directory, would lead to the listing of firm names in directories with lay persons and organizations for no other purpose other than to present the name of the law firm to the members of a particular group having similar interests or background.

Therefore, the listing of firm names as distinguished from an individuals name in an organization directory composed of members of the public which is not specifically permitted under the Code or has not been authorized as a specific exception, is improper. DR 2-101(B); see, N.Y. State 18 (1965); N.Y. State 265 (1972); N.Y. County 479 (1959); ABA Inf. 258 (1960).
