

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

Opinion #81 - 6/6/68 (16-68)

Modified by 106

Modified by 403

Topic: Directory Listings

Digest: Telephone and city directory listings

Canon: Former Canon 27

QUESTION

The Committee has received a request for amplification of "Professional Ethic-et #3" on Listings in Directories as published in the February 1968 issue of the New York State Bar Newsletter. Accordingly, the Committee states as follows:

OPINION

Although the listing of a lawyer's name in a classified directory is a form of advertising, the balancing of public interest against incidental publicity permits such listing. The following requirements indicate certain safeguards which must be observed to keep directory listings within the ethical bounds of Canons 27:

A. Telephone Directories

1. The listing must be under the general heading of "Lawyers" or "Attorneys-at-Law"

Such limited headings afford the public a reasonable convenience in finding the name, address, or telephone number of an attorney or law firm already selected. It prohibits other classifications which result in advertising and is an attempt to become distinctive. Accordingly, a listing under the heading of "Patent Lawyer", or other similar heading is unethical, solicits law business, advertises the lawyer's name in many locations, and is an attempt to become unduly distinctive.

2. Boldface is improper.

The same style and type must be used for all lawyers and law firms, not only in the classified section but also in the alphabetical section.

3. Listing the attorney's name, address and telephone number

The lawyer's name may be listed only once in the classified section and once in the alphabetical section of a telephone directory. The firm name, if any, may also be listed separately, although a charge may be made for a firm name listing. The lawyer's home telephone number should appear under his individual alphabetical listing and not in the classified section. No telephone number for nights, Sundays, or holiday calls is proper. It is improper to include in your listing the names of clients, membership in any association, or any matter other than your address and telephone number.

B. City Directories and Organization Directories

There are important differences between a telephone directory and a city directory. A telephone directory is an adjunct to the business of selling telephone service while a city directory is a business

within itself. A listing in a city directory or organizational directory is ethical only if:

- (a) It includes all lawyers residing in the community or organization.
- (b) No charge is made for the listing, except a charge may be paid for listing the firm name, if any, in addition to the individual listing without charge.
- (c) Under a general heading, as discussed in paragraph number 1.
- (d) No boldface type as discussed in paragraph number 2.
- (e) List only the attorney's name, address and telephone number as discussed in paragraph number 3. However, an organizational directory may carry both home and office telephone numbers and addresses and the firm name, if any, but without payment for any such organizational directory listing.

The Committee seeks the continued cooperation of all companies and organizations in enforcing the foregoing requirements, but reminds all lawyers that the primary responsibility for conformity rests with the attorney.