

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinions

Opinion #192 - 7/1/71 (21-71)    Topic:    Solicitation and advertising;  
Telephone Directory Listings.

   Digest:    Dignified and accurate listing  
conforming with DR 2-101(A) (5)  
proper in privately published  
community telephone directories.

   Code\*:    EC 2-9; 2-10  
DR 2-101 (A) (5)

QUESTION

May a lawyer list his name, address and telephone number in a non-distinctive form in a private published community telephone directory covering the area where his office is located or he resides, for which a fee is charged?

OPINION

DR 2-102 (A) (5) in pertinent part provides:

"(A) A lawyer or law firm shall not use ...telephone directory listings, ... except that the following may be used if they are in dignified form:"

\* \* \* \* \*

(5) A listing of the office of a lawyer or law firm in the alphabetical and classified sections of the telephone directory or directories for the geographical area or areas in which the lawyer resides or maintains offices or in which a significant part of his clientele resides and in the city directory of the city in which his or the firm's office is located; but the listing may give only the name of the lawyer or law firm, the fact he is a lawyer, addresses, and telephone numbers. The listing shall not be in distinctive form or type. ... The listing in the classified section shall not be under a heading or classification other than "Attorneys" or "Lawyers", except that additional headings or classifications descriptive of the types of practice referred to in DR 2-105 are permitted."

In our opinion a listing in a privately published telephone directory which is dignified and accurate and fully conforms to the requirements of DR 2-101 (A) (5) is not improper provided the directory is one in which all lawyers in the community are eligible for listing. The listing would not be rendered objectionable because a fee is charged for the listing if the fee is reasonable and the same for all lawyers. See also EC 2-9 and 2-10, and ABA 53 (1931). Cf. N.Y. State 81 (1968).