



## Committee on Professional Ethics

Opinion #265 - 10/20/72 (47-72)

Disapproves #18 in part

Topic: Solicitation and Advertising - Chamber of Commerce Directory Listings.

Digest: Improper for lawyer member of Chamber of Commerce to permit listing his name in a "Membership Directory and Buyers Guide" designed to generate business for Chamber members.

Code: EC 2-9; 2-10  
DR 2-101(B); 2-102(A) (5) & (6); 2-103(C)

### QUESTION

May a lawyer member of a Chamber of Commerce permit his name to be listed as an attorney in a publicly distributed promotional "Membership Directory and Buyers Guide" designed, inter alia, "to generate business among Chamber members"?

### OPINION

The format of the Chamber of Commerce "Membership Directory and Buyers Guide" submitted with the request for our opinion contains a substantial amount of commercial advertising by non-lawyer members of the Chamber, together with three types of listings for each Chamber member. These listings are: (1) a "Membership Roster" which not only gives business addresses and telephone numbers, but also identifies each Chamber member by occupation; (2) a "Buyers Guide" in which members are classified by occupation; and (3) a "Who's Who in the Chamber of Commerce" which lists alphabetically all individual Chamber members, but does not identify their occupation. In the "Membership Roster" and in the "Buyers Guide", lawyer and law firm members are to be listed and identified as "attorneys". Distribution would include business establishments, hotels and motels.

It would be improper for a lawyer to permit his name to be listed as an attorney in a Chamber of Commerce promotional directory intended to generate business for Chamber members. The proposed listing would violate the traditional ban against advertising by lawyers, and does not fall within any of the limited exceptions now recognized in the public interest. See EC 2-9; EC 2-10; DR 2-101(B); DR 2-102(A) (5) and (6); and DR 2-103(C). Public confidence in the integrity of the legal profession "is promoted by the avoidance of practices which tend towards an undue commercial emphasis". N.Y. State 253 (1972); see also, N.Y. State 235 (1972). The Code makes no change in the long recognized standards of the former canons prohibiting commercial promotional methods.

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A lawyer may properly belong to a Chamber of Commerce or other businessmen's association. N.Y. State 159 (1970); ABA Inf. 816 (1965); cf. N.Y. State 213 (1971). ABA Inf. 31 recognizes the propriety of certain organizational listings which give members names, addresses and occupations "where no charge is made for listing and there is no suggestion that the names of the lawyers are listed as probably available for professional employment, or to promote, solicit or secure professional employment". The proposed listings before us do not fall within any of the limited exceptions recognized by the Code or by Committee opinions. To the extent that N.Y. State 18 (1965) may appear to sanction a classified listing in a clearly promotional publication, that opinion is disapproved.

We also call attention to the following additional opinions which relate to the proper standards for directory and similar listings, other than those appearing in approved legal directories and law lists. N.Y. State 16 (1965); N.Y. State 81 (1968); N.Y. State 169 (1970); N.Y. State 213 (1971).

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