



## Committee on Professional Ethics

Opinion 559 - 5/9/84 (44-83)

Topic: Advertising; law school alumni directory.

Digest: A law school alumni association may publish and publicize a directory of graduates and may supply information from it in response to "occasional" telephone inquiries.

Code: DR 2-101, 2-102, 2-103(C) and (D), 2-105(A) and (B).

### QUESTIONS

1. May the alumni association of a university law school publicize to the general alumni of the university a directory of graduates of the law school, cross-referenced geographically and by "legal specialty"?
2. May the association answer occasional telephone inquiries for the names of lawyers practicing in certain locales or in certain areas of law by providing information from the directory?

### OPINION

1. Subject to the caveat below, the association may publicize its directory to the general alumni of the university, assuming that both the contents of the directory and the contents of the advertising of the directory conform to DR 2-101. We previously approved the publication of such a directory for circulation to the general public by a bar association, see N.Y. State 452 (1976), and thereafter DR 2-102(A) (6), which had specifically governed the publication of such directories, was repealed, leaving them subject only to the more general provisions of the Code governing advertising.

We caution, however, that DR 2-105(B) proscribes a lawyer from holding himself out as a "specialist" in any particular area of law or law practice unless he has been so certified by competent authority. No such certification system exists in New York, so it would be improper for a New York lawyer to list himself in such a directory as a "specialist." On the other hand, DR 2-105(A) allows lawyers publicly to identify areas of law in which they practice. See generally N.Y. State 487 (1978); cf. Matter of Zimmerman, 79 A.D. 2d 263 (4th Dept. 1981), appeal dismissed, 53 N.Y. 2d 937 (mem 1981), motion for leave to appeal denied, 54 N.Y. 2d 606 (1981). In the

case of a university located in New York and having a large number of New York lawyers among its alumni, a directory of graduates should avoid all reference to "specialties" and instead include particular "areas of law" in which listed individuals practice.

2. The "occasional" providing of information from the directory in response to telephone inquiries does not, in our judgment, constitute the alumni association a "lawyer referral service" within the meaning of DR 2-103(C) and (D), and accordingly is permissible. The association, however, must not invite such inquiries by advertising or other means and should the answering of inquiries become, for whatever reason, a regular and material function of the association, the provisions of DR 2-103(C) and (D) requiring bar association approval of a "lawyer referral service" could well become applicable.

For the reasons stated, the questions posed are answered in the affirmative.

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