

FORMAL OPINION NO. 7*

ATTORNEYS' LISTINGS IN TELEPHONE BOOKS,
CITY DIRECTORIES AND OTHER
NON-PROFESSIONAL DIRECTORIES

The Committee has been requested to advise whether or not a listing of an attorney's name in bold type, in a standard telephone book constitutes a violation of ethics.

The question involves interpretation of Canon 27 of the Canons of Ethics, and, in one phase or another has been the subject of considerable discussion in the profession, and has given some difficulty to the American Bar Association Committee on Professional Ethics and Grievances. The matter comes under the classification of Advertising and Solicitation, and for a proper understanding of the reasoning behind opinions heretofore expressed on the subject one should familiarize himself with the history of the canons proscribing advertising and solicitation.

This same question has been considered by the American Bar Association Committee in several instances with varied resulting opinions. In its Opinion No. 53 (1931) it was ruled that publication of a lawyer's name in a classified telephone directory in a distinctive manner, such as bold-face type, is a form of advertising and therefore is condemned. This opinion was referred to and approved in the Committee's Opinion No. 123 (1934) in which a listing of a name in bold-face type in a law list was improper. In 1941 the Committee considered the question again with reference to the publication of a lawyer's name, in bold-face type, in a nonclassified section of a telephone or city directory, and again, in Opinion No. 223, ruled such publication to be a form of advertising and improper. The Committee was requested to reconsider the question, and in 1942, in Opinion No. 241 overruled Opinions No. 53 and 223, holding it proper for an attorney to cause his name to be published in the alphabetical sections of such directories--but not in classified sections thereof--without violating the Canons of Ethics. This ruling was protected by Bar Associations and individuals all over the country, and a number of state and local committees declined to follow it. Presumably as

a result of such protests, and upon presentation of a problem including the same question, the ABA Committee ruled against, in its Opinion No. 284 (1951) overruling its Opinion No. 241 and reinstating Opinion No. 223.

The present opinion of the ABA Committee, and of this Committee, is as follows:

"Canon 27 of the Canons of Professional Ethics forbids advertising or solicitation, either directly or indirectly, by a lawyer. The central purpose of Canon 27 is to prevent a lawyer from indulging in unseemly efforts to gain undue publicity calculated to bring law practice.

"Where the publicity accorded to each lawyer is the same, there can be no undue advantage. However, where the lawyer seeks some distinctive method of classification which is different from the general informative listing of his fellow lawyers, it becomes improper advertising or solicitation and offends Canon 27."

Accordingly, the question asked is answered in the affirmative.

DATED this 20th day of January, 1958.

*This opinion is obsolete. It was rendered before the adoption of the Idaho Code of Professional Responsibility and is further outdated by the decision in Bates v. State Bar of Arizona, 433 U.S. 350 (1977).