

FORMAL OPINION NO. 63*

This committee has been solicited for an opinion touching on the ethics involved in the listing of an attorney's name or firm name in an out-of-town telephone directory.

The specific case involves the use of the classified telephone directory where one directory covers an area containing several communities.

The canon touching this point is found at DR 2-102(5), which is quoted:

"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;"

It seems to us that the intent of the canon is plain on its face and that if an attorney has a significant number of his clients residing over the area covered by the directory in question, it is proper for him to list his firm name, address and telephone numbers in the classified pages of the phone directory under the communities covered by the directory.

The obvious intendment of the whole DR 2-102 is to permit the factual dissemination of the location, phone number and whereabouts of an attorney in a dignified and pertinent way, but at the same time to restrict any such dissemination if it is merely for the purpose of attracting potential clients. It seems to us pertinent that where several communities are clustered closely together, an attorney is justified in the classified listing to the extent described above.

DATED this 30th day of May, 1973.

*DR 2-102(A) of the Code of Professional Responsibility is the current controlling section. It provides that a lawyer or law firm shall not use or participate in the use of a telephone directory listing if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of DR 2-101(B) or that violates DR 2-101(C). See, I.S.B. Opinion No. 45 (March 30, 1966).