

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-144
Issued: July 1976

Question: If the classified section of the telephone directory of a metropolitan area is broken down into geographical subheadings under the traditional functional headings, may a law firm place a listing under each geographical subheading designating an area in which it maintains an office?

Answer: Qualified yes.

References: DR 2-102(A)(5); Opinion KBA E-59 (1972), E-85 (1974)

OPINION

DR 2-102(A)(5) states that a law firm may place a “listing of the office □ in the alphabetical and classified sections of the telephone directory or directories for the geographical area or areas in which the lawyer maintains offices....” The rule permits a listing in each separate directory for each area in which the firm has an office. It also permits a separate listing in a single directory of each different location at which the firm maintains an office in the area covered by the directory, where the classifications are not broken down geographically. (This is not to say that in such a directory, the firm name may be repeated for each location in which it maintains an office.) We are unable to see any substantial difference between such multiple listings permitted by DR 2-102(A)(5) and those in question here.

One of the issues of the question is that the firm maintains an office in each area designated by the geographical subheading under which it is listed. This means a law office as defined in Opinions KBA E-59 (1972) and E-85 (1974). We have not been asked and we do not answer the question, may the firm be listed under each geographical subheading designating an area in which it “practices” but has no office.

A law firm presumably maintains offices in two or more areas for the convenience of clients who live or work in those respective areas. The presumed purpose of listing by geographical area in the telephone directory is to advise the public how to reach the firm’s office which happens to be most convenient to them. Therefore, in the circumstances given in the question, the firm may list under any particular geographical subheading only those numbers which will reach the office located in the area designated by the particular geographical subheading.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). Note that the Rule provides: “Both informal and formal opinions shall be advisory only;

however, no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act.”