

Nebraska Ethics Advisory Opinion for Lawyers
No. 76-11

IT IS ETHICALLY PERMISSIBLE FOR LAWYERS TO BE LISTED IN THE YELLOW PAGES OF TELEPHONE DIRECTORIES BY GEOGRAPHICAL AREA IN ADDITION TO BEING LISTED IN ALPHABETICAL ORDER IF ALL LAWYERS ARE SO LISTED BUT FAILURE TO INCLUDE ALL LAWYERS IN A SUB-GEOGRAPHICAL CLASSIFICATION WOULD NOT BE APPROPRIATE.

FACTS

You inquire as to whether it is ethically permissible for lawyers to be listed in the yellow pages of telephone directories by geographical area, in addition to being listed in alphabetical order. You state that the question arises because physicians are listed in such way in the yellow pages of the Omaha telephone directory, and that you have been told by the telephone company that such manner of listing is approved by some official medical association entity.

DISCUSSION

Disciplinary Rule DR 2-102(a)(5) permits attorney listings in telephone directories in the following language:

"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; but the listing may give only the name of the lawyer or law firm, the fact he is a lawyer, addresses, and telephone numbers. The listing shall not be in distinctive form or type. A law firm may have a listing in the

firm name separate from that of its members and associates. The listing in the classified section shall not be under a heading or classification other than 'Attorneys' or 'Lawyers,' except that additional headings or classifications descriptive of the types of practice referred to in DR 2-105 are permitted."

We have been unable to find any prior ruling on the express subject of your inquiry. In general, the pertinent ethical consideration is not to permit the listing of any one lawyer in a manner distinctive from his fellow lawyers, such as in bold-face, since such listing would tend to attract attention to the one lawyer and be a form of advertising.

CONCLUSION

Accordingly, if a particular local bar association such as the Omaha Bar Association, were to decide that listing of all lawyers in a larger metropolitan area by sub-geographical sections in the yellow pages in addition to alphabetically would be desirable, it is the opinion of the Committee that such practice would be ethically permissible.

However, we would point out that a review of the listings for physicians in the current Omaha telephone directory shows there is contained approximately eight pages in the alphabetical listings, but only approximately two and one-half pages in the sub-geographical listings. Thus, it would appear that only a minority of the physicians are repeat-listed in the sub-geographical classification. It is the view of the Committee that a similar failure to include all lawyers in a sub-geographical classification would not be appropriate.