

STATE OF MINNESOTA
IN THE SUPREME COURT

46994
O R D E R

IT IS HEREBY ORDERED, that a hearing be held before this Court in the Supreme Court, State Capitol Building, Saint Paul, Minnesota, on Thursday, February 17, 1977 at 9:00 a.m. on the proposed Amendment to Disciplinary Rule 2-102 of the Minnesota Code of Professional Responsibility recommended by the Minnesota State Bar Association.

IT IS FURTHER ORDERED, that true and correct copies of the Amendments to the Minnesota Code of Professional Responsibility be made available upon request to persons who have registered their names with the clerk of this Court for the purpose of receiving such copies and who have paid \$1.80 which is the specified fee to defray the expense of providing the copies.

IT IS FURTHER ORDERED, that advance notice of the hearing be given publication of this Order once in the Supreme Court Edition of FINANCE AND COMMERCE and once in THE ST. PAUL LEGAL LEDGER.

IT IS FURTHER ORDERED, that interested persons show cause, if any they have, why the proposed amendments should or should not be adopted. All persons desiring to be heard shall file briefs or petitions setting forth their views and shall also notify the Clerk of the Supreme Court in writing on or before February 10, 1977.

DATED: December 20, 1976

SUPREME COURT
FILED
DEC 21 1976
JOHN McCARTHY
CLERK

BY THE COURT:


Robert J. Sheran
Chief Justice

ROSS A. SUSSMAN AND STEVEN C. PUNDT
ATTORNEYS AT LAW

430 OAK GROVE ON THE PARK
MINNEAPOLIS, MINNESOTA 55403

AREA CODE 612
TELEPHONE 870-7733

February 9, 1977

Clerk of the Supreme Court
State of Minnesota
State Capitol
St. Paul, Minnesota

FILE NO. 46994
PETITION TO AMEND COURT RULES

I concur in the Petition by the Minnesota State Bar Association for adoption of an amendment to Disciplinary Rule 2-102 of the Minnesota Code of Professional Responsibility with two exceptions:

1. There should be an additional category called "Business Matters". While large corporations know which firms can handle their business, the small "Ma and Pa" store, and the small entrepreneur need some help. "Business Matters" does not just mean corporations and issuance of stock. It would include advice concerning the starting of a business, trade-names, partnership agreements, buy and sell agreements, corporations, and matters of that sort. This is a category that would be of benefit to the public, and should be included in the areas of practice.

2. I strongly oppose the publication of fee advertising, especially the fees for an initial consultation. Office fee schedules to be handed out to clients or prospective clients are fine, but yellow page publication of the charge for an

Clerk of the Supreme Court

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initial consultation could very well be misleading. Some attorneys may say "free" or a very low figure as a "loss leader" to get people to call them. That's not proper nor dignified. On the other hand, the mere quotation of an hourly fee can be equally misleading. The attorney advertising \$25 an hour rates may take three or four times as long to complete the case as the attorney charging a \$50 an hour rate. Attorneys should not be judged on hourly rates. I hope you do not permit advertising of fees, but encourage the individual attorney to discuss fees with the particular client.

Because the matter of fees is so important, both to the public and attorneys, here is a "far out" suggestion - prohibit attorneys from maintaining any claim or suit for fees unless there is a written agreement signed by the client. You can be sure that all attorneys would have clear fee agreements if that rule was adopted. It would certainly help the public avoid any misunderstanding about the fees to be paid.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Ross A. Sussman". The signature is written in a cursive, flowing style with a large initial "R".

ROSS A. SUSSMAN

mlo

Howard S. Wakefield
1910 - 1975

WAKEFIELD, LUNDBERG & VIE

Attorneys At Law
310 King Ave.
P.O. Box 19

Elk River, Minnesota 55330
Phone (612) 441-1251

February 4, 1977

Clifford C. Lundberg
Shelden M. Vie

The Supreme Court
State of Minnesota
State Capital
St. Paul, Minnesota

In the Matter of the Petition of Minnesota State Bar Association for
Adoption of an Amendment to Disciplinary Rule 2-102 of Minnesota Code
of Professional Responsibility
Supreme Court File No. 46994

Gentlemen:

Please accept this letter as my brief on the proposed amendment.

I and my partner Mr. Vie have our sole office in Elk River, Minnesota. We are listed in the Anoka telephone directory and also in the Minneapolis telephone directory, both in white and yellow pages. We have an automatic listing in the Minneapolis directory, because we are a part of the metropolitan exchange area. The area we service of Elk River, Dayton, Rogers, St. Michael and Anoka are all included in the metropolitan exchange, and all calls between those areas are no toll, as well as calls within the entire metropolitan area. In addition to the City of Minneapolis phone directory and the Anoka phone directory, there is also a directory published by Pioneer Telephone Company for the areas of St. Michael and Rogers. However, all these areas have access to the Minneapolis phone directory.

My concern is limiting categorical listing to attorneys with principal offices in cities of the first class. I believe that any attorney with a metropolitan exchange should be entitled to obtain categorical listings in the metropolitan telephone directory, which services his business area. I have no objection to limiting the categorical listings to the phone directories that cover cities of the first class, but I do believe I and lawyers in my position should be entitled to a categorical listing in those metropolitan area directories covering cities of the first class.

Thank you.

Yours truly,


Clifford C. Lundberg

CCL:ps

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WEGNER, WEGNER & AMERMAN

ATTORNEYS AT LAW

2308 CENTRAL AVENUE, N. E.

MINNEAPOLIS, MINNESOTA 55418

789-8805

CARL O. WEGNER
JAMES L. WEGNER
DERCK AMERMAN

February 4, 1977

Minnesota Supreme Court
State Capitol Building
St. Paul, Minnesota 55101

RE: PROPOSED AMENDMENTS TO DISCIPLINARY RULE 2-102 OF THE MINNESOTA
CODE OF PROFESSIONAL RESPONSIBILITIES

Gentlemen:

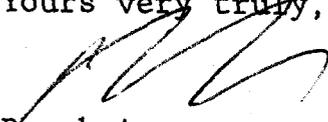
Please be advised that I am opposed to the above proposed amendments for the following reasons:

1. To adopt the proposed amendments would be to sanction and participate in "fooling" the people. Until the Minnesota Supreme Court is in a position to certify specialists in various areas of law, similar to the medical profession, it should not allow lawyers to advertise themselves as specialists.
2. The caveat in the proposed rule to be used in the yellow pages indicating that the following advertising really means nothing concerning the qualifications of the advertisers, explains in itself why that advertising should not be allowed. That is to say, if the advertised specialists are not qualified, they should not be allowed to advertise, in the hope that most people will not read the caveat.
3. The caveat does not apply to professional cards, office signs, letterheads, etc. This means that people who are not specialists will be allowed to advertise themselves as specialists with no warning to the public.
4. An obvious advantage exists for the large law firms that can splatter the yellow pages with specialties for all of their partners and employees.

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5. I think you will find that the proposed amendments will bring out the "worst" in the "worst" of the profession. The proposed amendments are an invitation to those lawyers to abuse them, with the hope of "chasing" more cases and increasing their income.

Yours very truly,



Derck Amerman

DA:sh