

No. 46994

STATE OF MINNESOTA  
IN SUPREME COURT

In the Matter of Petition of the )  
Minnesota State Bar Association, )  
a nonprofit Corporation, for Adop- )  
tion of an Amendment to Disciplinary )  
Rule 2-102 of the Minnesota Code of )  
Professional Responsibility )

PETITION TO AMEND  
COURT RULES

To the Supreme Court of the State of Minnesota:

Petitioner, Minnesota State Bar Association, alleges:

1. MSBA is a nonprofit corporation composed of attorneys at law duly licensed and admitted to practice before this Court.
2. In the course of its Annual Convention, June 18, 1976, the MSBA duly approved the proposed amendments to DR2-102 which are attached to this Petition.
3. That the proposed amendments comprise a general practice identification plan which in substance:
  - a) is a method whereby lawyers may identify their availability in certain specified areas of the general practice of law in the yellow pages of the telephone directory;
  - b) permits publication of certain information in recognized law lists;
  - c) aids individuals in selecting a lawyer for legal problems most frequently encountered by them.



PROPOSED AMENDMENTS TO DISCIPLINARY RULE  
2-102 OF THE MINNESOTA CODE OF  
PROFESSIONAL RESPONSIBILITY

DR 2-102

- (A) A lawyer or law firm shall not use or participate in the use of professional cards, professional announcement cards, office signs, letterheads, telephone directory listings, law lists, legal directory listings, or similar professional notices or devices, except that the following may be used if they are in dignified form:

. . . . .

- (5) A listing of the office of a lawyer or law firm in the ~~alphabetical~~ White Pages and ~~classified sections~~ Yellow Pages 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, except as provided in DR 2-102 (A) (6) for identification of availability listings in the Yellow Pages. 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~~ Yellow Pages 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 2-102(A) (6) and DR 2-105 are permitted.

- (6) An identification of availability listing in the Yellow Pages.

"Identification of availability" means the method by which licensed practicing lawyers may, in the Yellow Pages covering the municipality in which their principal office is located, indicate their availability to perform legal work in up to three of the following eight areas of the general practice of law:

Criminal and traffic offenses.

Debtor/creditor and bankruptcy.

Divorce and family matters.

General Practice.

Job discrimination and civil rights.

Property damage or personal injury.

Real estate and landlord-tenant.

Wills and probate.

In the telephone directories for Minnesota cities of the first-class, lawyers identifying their availability shall be alphabetized under a "box" heading indicating the area of practice. The first "box" heading shall follow the complete alphabetical listing in the Yellow Pages under the heading or classification for "Attorneys" or "Lawyers."

In the telephone directories for all other municipalities, the lawyers identifying their availability shall indicate the title of the area or areas of practice immediately following each name in the complete alphabetical listing under the Yellow Page heading or classification for "Attorneys" or "Lawyers".

Licensed practicing lawyers with their principal offices in cities of the first-class may list their names in the complete alphabetical section of the Yellow Pages under "Attorneys" or "Lawyers" in addition to not more than three listings under "box" headings identifying availability. Identification of availability shall be by individual lawyers and not by law firms.

Listings identifying availability shall be limited to the Yellow Pages of a telephone directory which includes the municipality in which a lawyer has his principal office and shall not be published in a separate Yellow Page directory covering a satellite office. Yellow Page alphabetical listings in separate directories without identification of availability are not affected by this restriction.

A statement, to be prescribed by the State Board of Professional Responsibility, explaining the meaning of identification of availability shall be prominently displayed at or near the beginning of those listings in the Yellow Pages, including the following information:

Identification of availability means that the lawyer will provide legal services in a specified area of legal services.

Identification of availability does not mean that the lawyer has been certified as an expert or specialist in the field nor is the attorney necessarily any more qualified or competent than any other attorney.

Before publishing any identification of availability, notice shall first be given, by affidavit in a form to be prescribed by the State Board of Professional Responsibility, to the chairperson of the District Ethics Committee in the District of the lawyer's principal office, with a copy filed with the telephone company publishing the Yellow Page directory which will contain the identification listing. The affidavit shall contain, the following information:

Name, address and telephone number of principal office.

Designation of not more than three of the eight areas of the general practice of law prescribed in this section.

Affirmation of professional competence in the areas selected for identification of availability.

Identification of availability authorized by this section for Yellow Page listings may also be published on professional cards, professional announcement cards, office signs, letterheads, reputable law lists, legal directories, and legal directories published by state, county, or local bar associations.

(7) (6) A listing in a reputable law list, or legal directory, a directory published by a state, county or local bar association giving a brief biographical and other informative data. A law list or any directory is not reputable if its management of contents are likely to be misleading or injurious to the public or to the profession. A law list or any directory is conclusively established to be reputable if it is certified by the American Bar Association or the State Board of Professional Responsibility as being in compliance with its rules and standards. The published data may include only the following: name, including name of law firm and names of professional associates; addresses and telephone numbers; one or more fields of law in which the lawyer or law firm concentrates; a statement that practice is limited to one or more fields of law; a statement that the lawyer or law firm specializes in a particular field of law or law practice but only if authorized under DR 2-105(A)(4); not more than three identifications of availability in accordance with the provisions of DR 2-102(A)(6); date and place of birth; date and place of admission to the bar of state and federal courts; schools attended, with date of graduation, degrees, and other scholastic distinctions; public or quasi-public offices; military service; posts of honor; legal authorships; legal teaching positions; memberships, offices, committee assignments, and section memberships in bar associations; memberships and offices in legal fraternities and legal societies; technical and professional licenses; memberships in scientific, technical and professional associations and societies; foreign language ability; names and addresses of references, and, with their consent, names of clients regularly represented; whether credit cards or other credit arrangements are accepted; office and other hours of availability; a statement of legal fees for an initial consultation or the availability upon request of a written schedule of fees or an estimate of the fee to be charged for the specific services; provided, all such published

data shall be disseminated only to the extent and  
in such format and language uniformly applicable  
to all lawyers, as prescribed by the State Board  
of Professional Responsibility.