

STATE OF MINNESOTA

IN SUPREME COURT

#46994

SUPREME COURT  
**FILED**

MAY 30 1980

JOHN McCARTHY  
CLERK

AMENDMENTS TO CANON TWO OF THE MINNESOTA  
CODE OF PROFESSIONAL RESPONSIBILITY

WHEREAS, the Minnesota State Bar Association has petitioned this Court to amend provisions of Canon Two of the Minnesota Code of Professional Responsibility and a hearing was had with respect to said petition on October 4, 1979,

NOW, THEREFORE, IT IS HEREBY ORDERED that, effective forthwith, the following amendments are made in the Minnesota Code of Professional Responsibility:

1. DR 2-101(A) is amended to provide:

"A lawyer shall not, on behalf of himself, his partner, associate or any other lawyer affiliated with him or his firm, use or participate in the use of any form of ~~advertisement or written communication containing a~~ false, fraudulent, misleading or deceptive statement or claim."

2. DR 2-102 is amended to read in its entirety (deleting DR 2-102(E) and (F)) as follows:

"DR 2-102. PROFESSIONAL NOTICES, LETTERHEADS, OFFICES,  
AND LAW LISTS

- "(A) A lawyer or law firm shall not use professional cards, professional announcement cards, office signs, letterheads, telephone directory listings, law lists, legal directory listings, or similar professional notices or devices that contain statements which are false, fraudulent, misleading or deceptive as those terms are defined and limited in DR 2-101.
- "(B) A lawyer in private practice shall not practice under a name that is false, fraudulent, misleading or deceptive, or a firm name containing names of persons other than those of one or more lawyers in the firm, except that, if otherwise lawful, a firm may use as, or continue to include in its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. A lawyer who assumes a judicial, legislative, or public executive or administrative post or office shall not permit his name to remain in the name of the law firm or to be used in professional notices of the firm during any significant period in which he is not actively and regularly practicing law as a member of the firm; and during such period other members of the firm shall not use his name in the firm name or in professional notices of the firm.

"(C) A lawyer shall not hold himself out as having a partnership with one or more other lawyers unless they are in fact partners.

"(D) A partnership, professional corporation, or professional association shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear that jurisdictional limitations exist on those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction."

3. DR 2-103 is amended to read in its entirety (deleting DR 2-103 (D)) as follows:

"DR 2-103. RECOMMENDATION OF PROFESSIONAL EMPLOYMENT:  
SUGGESTION OF NEED OF LEGAL SERVICES

"(A) The following prohibitions shall apply to in-person or telephonic communications, and to employment resulting therefrom, but shall not apply to advertisement, written communications or to employment resulting therefrom, unless the communications contain false, fraudulent, misleading or deceptive statements or claims prohibited under DR 2-101.

"(1) A lawyer shall not recommend employment as a private practitioner, of himself or anyone associated with him to a non-lawyer who has not sought his advice regarding employment of a lawyer.

"(2) A lawyer shall not compensate or give anything of value to any person to recommend or secure, or as a reward for having recommended or secured employment by a client of himself or any lawyer associated with him, with the exception of public relations or advertising services.

"(3) A lawyer shall not request any person to recommend employment, as a private practitioner, of himself or anyone associated with him.

"(4) A lawyer shall not accept employment when he knows or it is obvious that the person who seeks his services does so as a result of conduct prohibited under this Disciplinary Rule.

"(5) A lawyer shall not accept employment if he knows or it is obvious that it results from unsolicited advice by him or any lawyer associated with him to a layman that he should obtain counsel or take legal action, except:

"(a) If the advice was to a close friend, relative, former client (if the advice is germane to the former employment), or one reasonably believed to be a client.

"(b) Without affecting the right to accept employment, a lawyer may speak publicly or write for publication on legal topics.

"(c) If success in asserting rights or defenses of his client in litigation in the nature of a class action is dependent upon the joinder of others, a lawyer may accept, but shall not seek employment from those contacted for the purpose of obtaining their joinder."

4. DR 2-104(B) (3) is deleted and DR 2-104(B) (4) is renumbered as DR 2-104(B) (3).

5. DR 2-104(B) (5) is deleted.

6. DR 2-104(C), (D), (F) and (G) are deleted and DR 2-104(E) is renumbered as DR 2-104(C).

7. DR 2-104(H) is renumbered as DR 2-104(D) and is amended to read in its entirety as follows:

"(D) Notwithstanding any Disciplinary Rule, a lawyer may request referrals from a lawyer referral service and may pay its fees incident thereto."

8. DR 2-105 is amended to read in its entirety as follows:

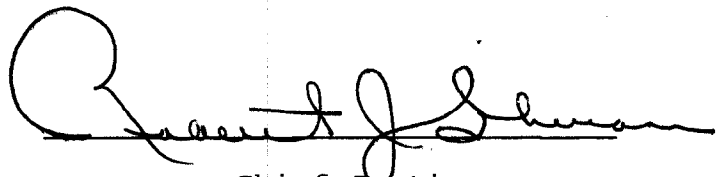
"DR 2-105. DESCRIPTION OF PRACTICE

"(A) A lawyer shall not use any false, fraudulent, misleading or deceptive statement, claim or designation in describing his or his firm's practice or in indicating its nature or limitations.

"(B) A lawyer shall not hold out himself or his firm as a specialist unless and until the Minnesota Supreme Court adopts or authorizes rules or regulations permitting him to do so."

DATED: 5/29/80 , 1980.

BY THE COURT



Chief Justice