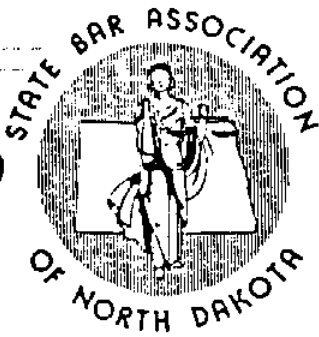




State Bar Association of North Dakota

P.O. BOX 2136 BISMARCK, ND 58502 (701) 255-1404

In-State WATS 1-800-472-2685

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The U.S. Supreme court ruled in the case of IN RE R.M.J., 455 U.S. 191 (1982) that lawyers could not be prohibited from listing areas of practice in advertisements. Under the current Code of Professional Responsibility a lawyer may list areas of practice but not "specialties" (see DR 2-101, (B) 2.(a) and (b); and DR 2-105). The SBAND Specialization Rules also permit the listing of practice areas (see 5.8 of enclosed). Rule 7.4 of the new ABA Model Rules of Professional Conduct allows communication that a lawyer practices in particular fields of law, although these rules are not yet adopted.

My best guess would be that you may list areas of practice. However, to be sure, I am forwarding a copy of this letter and your original to the Ethics Committee for their opinion.

Please let me know if you need anything else.

Sincerely yours,

EXECUTIVE DIRECTOR

Michael J. Rost
Box 2136
Bismarck, ND 58502

MICHAEL J. ROST
Executive Director

MJR/sr

cc: Linda Catalano

[REDACTED]

September 4, 1984

[REDACTED]

SBAND
P.O. Box 2136
Bismarck, North Dakota 58502

Attention: Mr. Mike Rost

Dear Mike:

Pursuant to our telephone conversation of September 4, 1984, I am herewith forwarding a photocopy of the sample biographical listing furnished to us by Martindale and Hubbell. The Martindale and Hubbell representative advised that the category of work listings shown in italics at the end of each individual attorney's biographical sketch had been approved by the State Bar Association of North Dakota.

In the event the foregoing is correct our firm anticipates similar references for each of our attorneys in the Martindale and Hubbell listing.

Please let me know if this proposal of Martindale and Hubbell violates any existing rule of which you have knowledge. It seems to me that such listings are not advertising, at least we did them long before advertising was allowed; that Martindale and Hubbell is used primarily by lawyers; and that it would be advantageous for those users to be allowed to zero in on a particular attorney of a firm they were contemplating retaining for a particular type of work.

Please let me have your views on this proposal.

Very truly yours,

[REDACTED]

[REDACTED]

Enclosure

SMITH & ASSOCIATES

A PROFESSIONAL CORPORATION

135 SMITHVILLE DRIVE

ANYTOWN, U.S.A.

Telephone: 000-000-0000

General Civil Trial and Appellate Practice. Corporate, Personal Injury, Aviation, Admiralty and Family Law.

CHARLES S. BROWN, born Bronxville, New York, May 5, 1936; admitted to bar, 1982, Anywhere. *Education:* Syracuse University; Cornell University (A.B., 1978); University of Texas (J.D., 1981). *Member:* Anytown and U.S.A. Bar Associations. *Appellate Practice and Personal Injury.*

DANIEL T. JONES, born Duluth, Minnesota, March 22, 1954; admitted to bar, 1982, Anywhere. *Education:* Amherst College (B.A., 1977); University of Washington (J.D., 1982). *Member:* Anytown and U.S.A. Bar Associations. *Admiralty and Family Law.*

JOHN C. SMITH, born Pennsylvania, December 14, 1952; admitted to bar, 1978, Somewhere; 1982, Anywhere. *Education:* Pennsylvania State University (B.A., summa cum laude and with highest distinction, 1975); Georgetown University (J.D., 1978). Delta Theta Phi. Editor, The Georgetown Law Journal, 1977-1978. Author: "Prisoners' Rights," 66 Georgetown Law Journal 667, 1977. *Member:* Anywhere Bar Association. *Civil Litigation and Corporate Law.*

REPRESENTATIVE CLIENTS. Fireman's Fund American; National Indemnity Group; Aetna Casualty & Surety; Nationwide Insurance; Lloyd's Underwriters, C.V. Starr; Taisho Marine Underwriters; Globe American Insurance; General Electric Co.; Aetna; Cravens & Dargon; Lufthansa Airlines; University of Alaska; Alaska Airlines; Marathon Oil Co.; Transamerica Insurance Co.; Unif Construction Co.; State Farm Insurance.

REFERENCE: Peoples Bank & Trust.