

STATE BAR ASSOCIATION OF NORTH DAKOTA

ETHIC'S COMMITTEE

OPINION NO. 93-05

FEBRUARY 26, 1993

The Ethic's Committee received a request for an opinion from [REDACTED], Attorney at Law, [REDACTED], North Dakota. The issue presented is whether a contemplated yellow pages ad violates the North Dakota Rules of Professional Conduct. The ad would state as follows:

DIVORCE

ONLY

[REDACTED] NAME

Attorney at Law

[REDACTED] Address

[REDACTED]

The Rules of Professional Conduct permit an attorney to make known their services through organized informational campaigns in the form of advertising. The interest in expanding public information about legal services prevails over considerations of tradition. Questions of effectiveness and taste in advertising are matters of subjective judgment.

The rules permit public dissemination of information that might invite the attention of those seeking assistance of a lawyer as long as the information is not false or misleading. Statements about the attorney and his or her services must be accurate. The insertion of the word "only" in this ad may be misleading and the committee recommends that it be deleted.

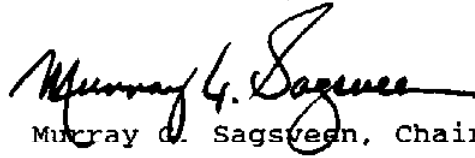
The U. S. Supreme Court has ruled in the case of *In Re RMJ*, 455 U.S. 191 (1982), that lawyers cannot be prohibited from listing areas of practice in advertisements. It would appear that the proposed ad, if the word "only" is deleted, is permissible under the North Dakota Rules of Professional Conduct.

This opinion is provided pursuant to Rule 1.2(b), North Dakota Rules for Lawyer Disability and Discipline. This rule states:

A lawyer who acts with good faith and reasonable reliance on a written opinion or advisory letter of the Ethics Committee of the State Bar Association of North Dakota shall not be subject to sanction for violation of

the North Dakota Rules of Professional Conduct as to the conduct which is the subject of the opinion or advisory letter.

This opinion was drafted by Michael J. Maus and unanimously approved by the Ethic's Committee on February 26, 1993.

A handwritten signature in black ink, reading "Murray G. Sagsveen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Murray G. Sagsveen, Chairman

[REDACTED]

RECEIVED JAN 25 1993

January 21, 1993

Murray Sagsveen
Box 1695
Bismarck, North Dakota 58505-1695

Dear Murray:

Please find enclosed a draft of an advertisement that I am contemplating placing in the yellow pages in the Bismarck phone directory. Would you please provide me with an opinion as to the ethical appropriateness of this ad.

I do not restrict my practice to divorce law, but, as obvious from the ad, intend to restrict my Bismarck directory advertisement to that area.

Sincerely yours,

[REDACTED]

[REDACTED]

[REDACTED]

DIVORCE ONLY

[Redacted]

Name

[Redacted]

telephone #

[Redacted]

address