September 10, 1984

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 Ethic's Committee for their opinion.

Please let me know if you need anything else.

Sincerely yours,

Michael J. Rost
Executive Director

cc: Linda Catalano
September 4, 1984

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,

Enclosure
SMITH & ASSOCIATES
A PROFESSIONAL CORPORATION
135 SMITHVILLE DRIVE
ANYTOWN, U.S.A.
Telephone: 600-000-0000


REFERENCE: Peoples Bank & Trust.