

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-261
Issued: May 1982

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question 1: May a lawyer list in the yellow pages of a telephone directory a law firm's name and the telephone number when in fact there is no law firm by that name in the city in which the law firm has the listing?

Answer 1: No.

Question 2: May a law firm list in the telephone directory Piere's Patent Law Firm, Lexington, with a phone number when in fact there is no law firm operating in Lexington?

Answer 2: No.

References: KBA E-261; In the Matter of R.M.J., 455 U.S. 191, 102 S.Ct. 929 (1982)

OPINION

Opinion 1

In KBA E-261 this Committee looked at advertising in view of the recent In the Matter of R.M.J. case.

Once again we find that this advertisement is misleading because it necessarily implies that the law firm is admitted to practice law and is in fact practicing in the State of Kentucky when in fact no law firm exists.

Opinion 2

It is obvious that such a listing is on its face misleading.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.