

Nebraska Ethics Advisory Opinion for Lawyers  
No. 69-4

AN ATTORNEY WHO PRACTICES INDIVIDUALLY OR WITH A FIRM MAY LIST HIS HOME TELEPHONE NUMBER AS AN ALTERNATE TO HIS OFFICE NUMBER UNDER HIS INDIVIDUAL ALPHABETICAL LISTING; HOWEVER, THE HOME TELEPHONE NUMBER OF THE FIRM PARTNERS AND ASSOCIATES SHOULD NOT BE LISTED AS ALTERNATES UNDER THE FIRM NAME ITSELF IN THE TELEPHONE DIRECTORY.

\* \* \* \*

A Nebraska attorney has inquired as to whether his residence telephone number may ethically be listed in the classified section of a telephone directory along with his business listing. He advises that because of special spelling of his name, some confusion has been experienced in clients identifying him in the general section of the directory.

The matter of individual listing of resident listing of telephone numbers was considered in Formal Opinion No. 295 and in that matter the Committee adopted the rule set forth at the beginning hereof. The Committee felt that listing the home telephone number by and individual would not infringe Canon 27 prohibiting advertising. The opinion stated:

"The guiding factor is whether the listing provides a service to the client or is a form of advertising. It is true that few emergencies arise which require a telephone call to a lawyer on nights, Sundays and holidays, and it is clear that the incidental publicity accorded the individual lawyer where his home phone number is listed under the firm name is negligible.

"If lawyers reside within the business areas

covered by the directory their residence telephone numbers would ordinarily follow their business listings in the alphabetical section. We distinguish between listing the lawyer's individual business telephone number under his name alphabetically and under the firm listing which is usually separate."

The foregoing opinion was cited and followed in Formal Opinion No. 313 which outlined the restrictions on telephone listings as follows:

". . . , if a lawyer is a member of a law firm, both the firm and the individual lawyer may be listed, even if there is a charge made for a single listing. The listing should consist only of the lawyer's name, address and telephone number. The address should not be lengthened so as to make the listing occupy more space than a reasonable minimum. "

As stated in Informal Decision No. 646, the firm name in a telephone listing may not be followed by a listing of all of the partners and associates connected with the firm. In that decision, the Committee stated:

"The telephone directory is to enable users of the telephone to ascertain telephone numbers. It is not a law list. The telephone number of the firm and the telephone numbers of the individual lawyers connected with the firm, will be listed in the alphabetical section after their respective names. There is no public interest from the standpoint of telephone usage to be served by listing the names of the lawyers connected with the firm after the firm name. Such information is properly obtained from a law list or from personal contact with or inquiry of the firm."

With reference to the matter of confusion of spelling

referred to by the inquirer, attention is called to Informal Opinion No. 849 which suggests that in certain cases, duplicate listings may be appropriate:

"Under the particular circumstances described in the inquiry, listing the name ("Smyth") under its common but technically incorrect spelling ("Smith") as well as under its correct spelling ("Smyth") does not, of itself, appear to offend the spirit of Canon 27."

Nebraska Ethics Advisory Opinion for Lawyers  
No. 69-4