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Mr. Thomas C. Barnett, Jr.
State Bar of South Dakota
222 East Capitol
Pierre, SD 57501

90-7

RE: WESTLAW

Dear Tom:

The majority responses of the Committee with respect to the questionnaire referred to above are as follows:

1. What are the certified specialties for South Dakota?

South Dakota does not recognize specialization in any field of law.

If the lawyer practices only in certain fields or will not accept matters except in such fields, the lawyer is permitted so to indicate. Or a lawyer admitted to engage in patent practice before the US Patent and Trademark Office may use the designation "patent attorney" or lawyer engaged in admiralty practice may use "admiralty," "proctor in admiralty," or similar designation.

2. Can one list areas of practice?

Yes. In conformity with Rule 7.4

A lawyer or firm practicing only in certain fields may advertise such limitations but may not state that the lawyer is a "specialist" or that the lawyer's practice "is limited to" or "concentrated in" particular fields. Disclaimer at the conclusion of Rule 7.4 informs the reader that attorneys listing areas of practice has not been certified by the Supreme Court or the State Bar as having more experience or being any more competent than any other attorney.

3. Can an attorney or law firm state that a certain percentage of their practice is in a certain area?

No as to a percentage but, under Rule 7.4 a lawyer may state that he does not practice within particular fields of law.

The Rules of Professional conduct do not expressly address the question that has been posed. Concluded that an attorney or law firm may not state that a certain percentage of their practice is in a certain area.

Mr. Thomas C. Barnett, Jr.
RE: Westlaw Publishing
May 16, 1990

Page 2

4. Can one list their certified specialty in legal directory?

There are no certified specialties in SD. Neither the SD Supreme Court or the State Bar recognizes specialization in any field of law.

I see nothing wrong with including that a lawyer is a CPA or list courts in which he or she is admitted to practice.

5. What procedures does one go through to be certified?

There are no procedures for certification presently available in this state.

6. Are there any other limits which WEST should consider, or note, when preparing a legal directory of attorneys from SD?

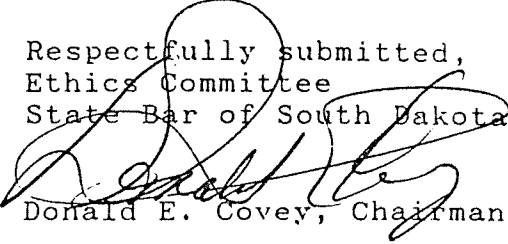
If WEST conforms to the procedures followed by Martindale-Hubbell and the Yellow Pages there would be no conflict with SD rules. The answers are based upon Rule 7.4, a copy of which should be sent to WEST.

7. May we publish your reply?

Of those responding to item No. 7, it was a consensus that this inquiry should be answered by you for the State Bar.

If you have any further questions in this regard, please feel free to contact me or any member of the Committee.

Respectfully submitted,
Ethics Committee
State Bar of South Dakota


Donald E. Covey, Chairman