

SENATE JUDICIARY COMMITTEE

FEBRUARY 23, 1970

ROOM 523

The Senate Judiciary committee met in Room 523 February 23, 1970.

The chairman, Senator Steadman Ball called the meeting to order at eleven o'clock A.M. All members were present except Senators Arvin, Gaar and Smith.

Senator Ball explained House Bill No. 1668 and told the committee that Senate Bill No. 382 amends the right section. Senator Rogers moved to recommend the House Bill unfavorably to the Senate. Senator Bell seconded and the bill was reported back to the Senate with the recommendation that it be not passed.

House Bill No. 1774 was discussed and it was brought out that Senate Bill No. 350 contained the same provisions.

Senator Ball read the amendments made to House Bill No. 1811. Senator Steineger moved the adoption of the amendments; Senator Rogers seconded and the amendments were adopted. Senator Tillotson then moved that the committee report the bill back to the Senate with the recommendation that it be passed as amended; Senator Healy seconded and the bill was amended on page 2 in line 1 by striking the word "shall" and inserting in lieu thereof the word "may" and the motion carried to recommend it for passage as amended.

Claud R. McCammet and Major Dan Mallory were present to be heard on House Bill No. 1285. Mr. McCammet spoke at length on the effects on traffic violations caused by suspended or revoked licenses of drivers. He quoted statistics on fatalities caused by persons with suspended licenses or persons whose licenses had been revoked. Senator Rogers moved that the bill be reported back to

the Senate with the recommendation that it be passed. Senator Winter seconded. Senator Storey moved that the bill be referred to further study. Senator Tillotson seconded and Senator Storey's motion lost. A vote on Senator Rogers' motion carried and the bill was recommended favorably.

Senator Herd led a discussion on House Bill No. 1714 and Senators Herd, Rogers and Pomeroy were appointed to study the bill further and report back to the full committee.

The meeting adjourned to meet February 24, 1970 at eleven o'clock A.M. in Room 529.



Martha Welch, Recording Secretary

MINUTES APPROVED:



Steadman Ball, Chairman

February 24, 1970

Section 1. K.S.A. 1969 Supp. 17-2711 is hereby amended to read as follows:

17-2711. The corporate name of a corporation organized and operating hereunder shall contain the last names of some or all of the shareholders only: Provided, that the foregoing requirement shall not apply to a professional corporation organized to render professional services under either one or both types set forth in items (5) and (9) of subsection (b) of K.S.A. 1965 Supp. 17-2207: Provided further, with respect to a professional corporation organized to render professional services under the type set forth in item (3) of subsection (b) of K.S.A. 1965 Supp. 17-2707, the foregoing requirement shall be subject to the following exception: the name of such professional corporation may include the name of a deceased or retired person if (1) such person was either a shareholder in such professional corporation or a partner in a predecessor partnership in a continuing line of succession with such professional corporation, and (2) the name of such deceased or retired person appeared in the name of such professional corporation or predecessor partnership, and (3) the professional corporation or a predecessor partnership in a continuing line of succession with such professional corporation has or had the permission of the deceased or retired person to use his name after his death or retirement, and (4) such person is shown in some appropriate manner to be deceased or retired on the letterhead and door and in the listing in professional directories of the professional corporation. Notwithstanding anything in this section to the contrary, the name of any professional corporation organized to render professional services under the type set forth in item (3) of subsection (b) of K.S.A. 1965 Supp. 17-2707 shall always be required to meet the ethical standards of the legal profession. The corporate names of all corporations organized and operating hereunder shall without exception also contain the word "chartered" or "professional association" or the abbreviation "P.A." The use of the word "company," "corporation" or "incorporated" or any other word, abbreviation, affix or prefix, indicating that it is a corporation in the corporate name of a professional corporation other than the foregoing is prohibited.

telephone numbers.⁹⁵ The listing shall not be in distinctive form⁹⁶ or type.⁹⁷ A law firm may have a listing in the firm name separate from that of its members and associates.⁹⁸ The listing in the classified section shall not be under a heading or classification other than "Attorneys" or "Lawyers"⁹⁹ except that additional headings or classifications descriptive of the types of practice referred to in DR 2-105 are permitted.¹⁰⁰

- (6) A listing in a reputable law list¹⁰¹ or legal directory giving brief biographical and other informative data. A law list or directory is not reputable if its management or contents are likely to be misleading or injurious to the public or to the profession.¹⁰² A law list is conclusively established to be reputable if it is certified by the American Bar Association as being in compliance with its rules and standards. The published data may include only the following: name, including name of law firm and names of professional associates; addresses¹⁰³ and telephone numbers; one or more fields of law in which the lawyer or law firm concentrates;¹⁰⁴ a statement that practice is limited to one or more fields of law; a statement that the lawyer or law firm specializes in a particular field of law or law practice but only if authorized under DR 2-105 (A)(4);¹⁰⁵ date and place of birth; date and place of admission to the bar of state and federal courts; schools attended, with dates of graduation, degrees, and other scholastic distinctions; public or quasi-public offices; military service; posts of honor; legal authorships; legal teaching positions; memberships, offices, committee assignments, and section memberships in bar associations; memberships and offices in legal fraternities and legal societies; technical and professional associations and societies; foreign language ability; names and addresses of references,¹⁰⁶ and, with their consent, names of clients regularly represented.¹⁰⁷

- DR 2-102 (B) A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more of the lawyers in the firm, except that the name of a professional corporation or professional association may contain "P.C." or "P.A." or similar symbols indicating the nature of the organization and if otherwise lawful a firm may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession.¹⁰⁸ A lawyer who assumes a judicial, legislative, or public executive or administrative post or office shall

not permit his name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which he is not actively and regularly practicing law as a member of the firm,¹⁰⁹ and during such period other members of the firm shall not use his name in the firm name or in professional notices of the firm.¹¹⁰

- (C) A lawyer shall not hold himself out as having a partnership with one or more other lawyers unless they are in fact partners.¹¹¹
- (D) A partnership shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions;¹¹² however, the same firm name may be used in each jurisdiction.
- (E) A lawyer who is engaged both in the practice of law and another profession or business shall not so indicate on his letterhead, office sign, or professional card, nor shall he identify himself as a lawyer in any publication in connection with his other profession or business.
- (F) Nothing contained herein shall prohibit a lawyer from using or permitting the use, in connection with his name, of an earned degree or title derived therefrom indicating his training in the law.

DR 2-103 Recommendation of Professional Employment.¹¹³

- (A) A lawyer shall not recommend employment, as a private practitioner,¹¹⁴ of himself, his partner, or associate to a non-lawyer who has not sought his advice regarding employment of a lawyer.¹¹⁵
- (B) Except as permitted under DR 2-103 (C), a lawyer shall not compensate or give anything of value to a person or organization to recommend or secure his employment¹¹⁶ by a client, or as a reward for having made a recommendation resulting in his employment¹¹⁷ by a client,
- (C) A lawyer shall not request a person or organization to recommend employment, as a private practitioner, of himself, his partner, or associate,¹¹⁸ except that he may request referrals from a lawyer referral service operated, sponsored, or approved by a bar association representative of the general bar of the geographical area in which the association exists and may pay its fees incident thereto.¹¹⁹
- (D) A lawyer shall not knowingly assist a person or organization that recommends, furnishes, or pays for legal services to promote the use of his services or the services of his partners or associates. However, he