

LEGAL ETHICS OPINION 1044

OF

ATTORNEY – AIDING A NONLAWYER
IN THE UNAUTHORIZED PRACTICE

LAW.

You advise that Attorney "A" was a founding partner of and remained a partner of the law firm of "A, B and C" for twenty years. While in practice with Law Firm "A, B & C", Attorney "A" surrendered his license to practice law, and thereafter the license was revoked by the Virginia Supreme Court. The law firm of "B, C & D" is comprised of two attorneys who were formerly associated as associates with Attorney "A" while he was a partner with the law firm of "A, B & C". Mr. "A's" license to practice law has not been restored; however, "A" will be employed as an adjuster with an adjusting company. The law firm of "B, C & D" is a principal client of the adjusting company.

You wish to know, pursuant to DR:3-101, whether or not it is proper for the law firm of "B, C & D" to continue to hire the adjusting company to perform services for their law firm.

Disciplinary Rule 3-101 states that "A lawyer shall not aid a nonlawyer in the unauthorized practice of law."

As long as "A" will be working as an adjuster and is not holding himself out to be an attorney and is not practicing law, there would be no violation of DR:3-101.

Committee Opinion

March 1, 1988