

A lawyer wishes to know whether it is ethically permissible to list on a law firm's letterhead stationery a nonlawyer, who recently became affiliated with the firm to administer and assist in the firm's legislative activities, where his nonlawyer status with the firm is identified as "Legislative Administrator" on the stationery.

The appropriate and controlling rule relative to your inquiry is DR:2- 101(A) which provides that a lawyer shall not, on behalf of himself or any other lawyer affiliated with him in his firm, use or participate in the use of any form of public communication if such communication contains a false, fraudulent, misleading, or deceptive statement or claim. Disciplinary Rule 2-102(A) [ DR:2-102] also provides that the use of professional cards, announcement cards, office sign, letterhead and other similar professional notice is permissible unless it contains a statement or claim that is false, fraudulent, misleading, or deceptive.

Accordingly, the Committee directs your attention to LE Op. 970, LE Op. 909 and LE Op. 767, which in the Committee's view is dispositive of the issue you have raised. The opinions state that it is not improper for a law firm to place the name of a chief investigator, certified public accountant or other nonlawyer personnel on one side of the law firm's stationery as long as an affirmative statement is added which makes clear that such lay personnel is not licensed to practice law ( DR:2-101(A)). Therefore, the Committee would opine that it would not be improper to place on a law firm's stationery the name of the legislative administrator and identifying him as such provided that a disclaimer clearly indicating that he/she is not licensed to practice law in any jurisdiction is also made. The Committee cautions that all lawyers in the office abide by the general proscriptions in Canon 3 concerning aiding a nonlawyer in the unauthorized practice of law. (See DR:3-104(B))

Committee Opinion  
October 19, 1989