

Committee Opinion
January 18, 1984

LEGAL ETHICS OPINION 540

ADVERTISING-SOLICITATION/
COMMONWEALTH'S ATTORNEY/USE
OF ATTORNEY'S NAME IN LAW
CORPORATION OR ON LETTERHEAD.

It is permissible conduct for an attorney to operate his private law practice through a professional corporation even though the attorney also serves as Commonwealth's Attorney. The lawyer must, however, keep the public and private practice separate as far as letterheads and other indicia of maintaining the office are concerned. Paragraph 14(c) (iv) of the Rules of Court, Part 6: Section IV provides that "the name of a lawyer holding a public office shall not be used in the name of a law corporation, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the law corporation." This rule prohibits an attorney who is holding a public office and who is no longer practicing law from allowing the professional corporation to use the attorney's name. The rule is inapplicable where an attorney is still actively participating in the private practice of law.

[6: § IV: 614(c)(iv) Rules of Court, Vol. 11, Code of Virginia]

Committee Opinion
January 18, 1984