

UNAUTHORIZED PRACTICE OF LAW OPINION 196

LETTERHEAD DESIGNATION BY A FOREIGN ATTORNEY IN A VIRGINIA LAW OFFICE

This opinion addresses the issue of a foreign attorney (i.e., a licensed attorney not admitted in Virginia) who is “practicing law” out of a Virginia law office, and what must be denoted on the letterhead this attorney will be using.

The appropriate and controlling Virginia Unauthorized Practice Rule is 1-101 (B)(4) which, in pertinent part, precludes one from holding himself or herself out to another as qualified or authorized to practice law in the Commonwealth of Virginia.

The location of the practice and the position held as an attorney creates the appearance that the attorney is licensed to practice law in the Commonwealth of Virginia. Thus, the committee is of the opinion that the attorney’s limitations to practice law must be denoted on the letterhead to avoid this appearance. This could be done by either stating on the letterhead that the attorney is “not licensed in Virginia” or denoting that the attorney is “only licensed in a certain state.”¹ In addition, this could be accomplished if the attorney practiced in a limited area of federal law that by rule, regulation or statute did not require Virginia State Bar membership. The attorney would need to note that the practice area is limited to that area on any letterhead.² This limitation satisfies the rule.

Appropriate letterhead designation does not insulate a person who is in fact engaged in the unauthorized practice of law.³

Committee Opinion
December 14, 2000

1 See RPC 7.5(b); LEO 762; LEO 858; LEO 1026; Ut. Eth. Op. 96-14; NYCLA Eth. Op. 682 (1990); ABA 316 (1967).

2 See UPR 9-102(A)(2); UPL 107; UPL 55.

3 *Landise v. Mauro*, 725 A.2d 445, 447 (1998); UPL 201.