

Committee Opinion
June 14, 1989

LEGAL ETHICS OPINION 1242

ADVERTISING AND SOLICITATION –
LETTERHEAD: NAME OF
PROFESSIONAL CORPORATION NOT
INDICATING IT IS ENGAGED IN THE
PRACTICE OF LAW.

You have asked the Committee to consider whether a letterhead is misleading where the firm name consists of several names of the partners of the firm and a notation that the partnership is by and between professional corporations, but does not include a specific indication that the entity is a law firm. The appropriate and controlling disciplinary rule relative to your inquiry is DR:2-102(A), which provides that a lawyer or law firm may use or participate in the use of a professional card, announcement card, office sign, letterheads, telephone and directory listing, law list, legal directory listing, or similar professional notice or device unless it includes a statement or claim that it is false, fraudulent, misleading, or deceptive. The Committee is concerned that the language "a partnership of professional corporation" does not clearly identify the types of corporations comprising the partnership. Therefore, the reader may be misled if, in fact, certain of the corporation are organized for purposes other than the practice of law. Disciplinary Rule 3-103 [DR:3-103] provides that a lawyer shall not form a partnership with a nonlawyer or lay corporation if any of the activities of the partnership consist of the practice of law.

The Committee is of the view that if, in fact, the partnership consists of separate legal corporations in business for the practice of law, any communication to the public, including letterhead, professional cards, announcement cards, office signs, telephone directories, and law lists, should state that the partnership is so engaged. The Committee believes a more appropriate disclaimer after the entity would be "a partnership of professional legal corporations" which unequivocally identifies the entity.

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