

Committee Opinion
October 19, 1992

LEGAL ETHICS OPINION 1492

ADVERTISING AND SOLICITATION -
LETTERHEAD: USE OF "ATTORNEYS
AT LAW" BY SOLE PRACTITIONER.

You have presented a hypothetical situation in which a sole practitioner wishes to use the phrase "Attorneys at Law" on his letterhead.

You have asked the Committee to opine whether, under the facts of the inquiry, it is proper for the sole practitioner to use that phrase. You also ask whether the propriety would be impacted by the fact that the sole practitioner associates with other attorneys in other areas of practice and jurisdictions on appropriate cases.

The appropriate and controlling Disciplinary Rule related to your inquiry is DR:2-102(A) which provides that a lawyer may use or participate in the use of a professional notice or device unless it contains a statement or claim that is false, fraudulent, misleading, or deceptive. Also of some relevance to your inquiry is DR:2-102(C) which prohibits a lawyer from holding himself out as having a partnership with one or more other lawyers unless they are in fact partners. Further guidance is available in Ethical Consideration 2-13 [EC:2-13] which directs, in pertinent part, that "[t]he use of a [firm] name which could mislead laypersons concerning the identity, responsibility, and status of those practicing thereunder is not proper". [emphasis added]

The Committee believes that the use of "Attorneys at Law" by a sole practitioner is misleading and thus, violative of DR:2-102(A). The Committee is of the view that the use of such phrase gives the impression that there is more than one attorney in the practice available for the provision of legal services to clients. The use, then, may also be violative of DR:2-102(C), since the sole practitioner may be perceived to be holding himself out as having a partnership with one or more lawyers when, in fact, he does not. The Committee is of the view that the variation on your inquiry, i.e., the association of attorney in other areas or jurisdictions on appropriate cases, is immaterial to the conclusions reached since such association would be sporadic rather than a regular practicing relationship.