

E-75-22

(Withdrawn)

**E-75-22 Use of legal assistants' names on the
(Withdrawn letterhead of an attorney; Use of cards
in part) identifying association of legal assistant
 with law firm**

The question has been posed to the committee as to the propriety of using the names of legal assistants and other lay employees on the letterhead of an attorney, and the propriety of using other names of identification for such employees.

The committee has concluded that there is no provision in the Code of Professional Responsibility which will permit the use of paralegal identifications on attorneys' letterheads. The language of DR 2-102(A)(4) is specific in listing the permitted information:

A letterhead of a lawyer identifying him by name and as a lawyer and giving his address, telephone numbers, the name of his law firm, and any information permitted under DR 2-105 (concerning limitations on practice). The letterhead of a law firm may also give the names of members and associates, and the names and dates relating to deceased and retired members. A lawyer may be designated "Of Counsel" on a letterhead if he has a continuing relationship with a lawyer or law firm, other than as a partner or associate

Prior to the promulgation of the above Disciplinary Rules as a part of the Code of Professional Responsibility in 1970, the ABA Professional Ethics Committee in several opinions had held that it was ethically improper to include the lawyer's secretary, office manager, or staff investigator on his letterhead. Neither the Code provisions nor subsequent ethics opinions have changed these prohibitions.

The ABA Ethics Opinions have a different rule for calling cards for legal assistants and paralegal personnel of law firms. Opinion 909 stated:

Our reasoning is that if a law firm may ethically employ an investigator, in the first instance, it is permissible and, in some instances at least, desirable that he identify himself. Doing so by presenting such a card is, to our minds, not really different from doing so orally. It is true of course, that a card is a physical article and that the possibilities of its improper use or effect are far greater than in the case of an oral identification. For that reason, it would be improper for the

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investigator to display the card other than to persons he interviews in connection with a case in which the firm previously has been retained, and that he should leave the card with or for a person only when there is an affirmative and legitimate purpose for doing so.

In ABA Informal Opinion 1185 (1971), the committee extended the rule to paralegal employees, stating that such personnel could use a business card which contains the name, address, and telephone number of the law firm with which he or she is affiliated and his name and capacity with the firm; that the designation be accurate, and that the duties performed properly under direction of a lawyer.

Although the name of the paralegal or legal assistant cannot be listed on the firm letterhead, the attorney certainly can identify such personnel in the text of a letter and inform the client that contacts can be made directly with that person. The letter might be supplemented with a business card of such paralegal employee.