



Committee on Professional Ethics

Opinion #261-9/15/72 (44-72) Topic: Name of paralegal employee on lawyer's letterhead.
Overruled (in part) by 500 Digest: It is improper to list the name of a nonlawyer employee on the lawyer's letterhead.
Code*: Canon 2, 3;
DR 2-102(A)(4); EC 3-6

QUESTION

May a law office letterhead list the name of a lay office manager or other paralegal employee?

OPINION

The listing of the name of a nonlawyer employee on a lawyer's letterhead has been traditionally proscribed as lending itself too readily to the solicitation of employment or use for advertising purposes, or to impress those seeing the letterhead with the size, importance and efficiency of the firm, which comes within the general ethical prohibition against self-laudation. Drinker, Legal Ethics, 228 (1953); Wise, Legal Ethics, 146 (2d ed. 1970). It has been specifically held that it is improper to list the name of a secretary on a lawyer's letterhead. ABA Inf. 619 (1962), and that it is improper to list on the letterhead the name of an individual designated as "office manager" whether he be lawyer or layman. ABA Inf. 845 (1965).

That the ABA recently reversed a similar rule of long standing and held it proper for a paralegal employee of a law firm to use a business card designating him as a nonlawyer employee of the firm, ABA Inf. 909 (1966), ABA Inf. 1185 (1971), and that this committee recently held that a paralegal employee may sign letters on a lawyer's letterhead when he is clearly designated as a nonlawyer, N.Y. State 255 (1972), makes it appropriate for this committee to re-examine the propriety of listing the name of the paralegal employee on the lawyer's letterhead.

In ABA Inf. 909 (1966) and 1000 (1967), that committee pointed out the distinction between the business card and the letterhead in that the card is the employee's card, basically designed to identify him and to state by whom he is employed, exactly as he would do in an oral statement. It is not the professional card of the lawyer or law firm. That committee, therefore, held that the reasoning with respect to a business card need not and should not be extended to

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the professional letterhead, and adhered to the earlier opinions that such listing on a lawyer's letterhead was improper.

DR 2-102(A)(4) specifies that a letterhead may contain the name of the lawyer, the name of the law firm, and the names of the members and associates of the firm. An analogy with a business card cannot be found in the letterhead. The letterhead is the lawyer's, and the desired objective is accomplished simply by having the paralegal employee sign the letter and designate his nonlegal status after the signature.

This committee sees no benefit to the public to be advised who is office manager, investigator or legal assistant in a law firm except in case of direct communication from such person, in which case such person may sign the letter and designate himself as such, and therefore there is no valid purpose to be served by permitting the inclusion of the name of a nonlawyer on a lawyer's letterhead. Such action would be improper.
