



## Committee on Professional Ethics

Opinion #434 - 7/13/76 (12-76) Topic: Multi-state law firm; Letterhead.

Overrules #41 and 237

Digest: Law firm with offices in two states may properly show on New York letterhead both office addresses, that a partner is a member of both, and that certain attorneys are admitted in New York or the other state or in both states.

Code: EC 2-10  
DR 2-102(D), 2-102(A)(4)

### QUESTION

May the New York letterhead of a law firm show the address of the firm's office in another jurisdiction, the fact one or more of the lawyers listed on the letterhead are admitted to practice in jurisdictions other than New York and that some of the lawyers are admitted only in jurisdictions other than New York?

### OPINION

In N.Y. State 175 (1970) it was held that a partnership may properly be formed among lawyers admitted to practice in different states, provided, that the danger of "franchising" was avoided. In N.Y. State 352 (1974) it was held "that a law partnership, which includes an out-of-state partner, may carry on its New York law office letterhead its out-of-state address provided that a true partnership exists, that the out-of-state partner performs services for the partnership in a continuing and substantial way and the partnership maintains an office for the practice of law in the other state. The fact that the partner admitted in the second state is also admitted in New York does not militate against listing the second address. Accordingly, the New York letterhead may show the addresses of both offices, provided that the conditions set forth above are satisfied. DR 2-102(A)(4).

Although DR 2-102(D) does not require that the Bar memberships of lawyers admitted in more than one state be given on the letterhead, there is no prohibition from so doing even if the firm maintains no office in the second jurisdiction.

N.Y. State 41 (1966) and N.Y. State 237 (1972) held it to be improper for a lawyer to list his admissions to the Bar of states other than New York even though he maintained offices for the practice of law in those jurisdictions. These opinions were predicated upon the then prevailing view that any such listing would constitute "self-laudation" which has traditionally been considered a form of improper advertising and solicitation. In the opinion of this Committee, however, it cannot be said that to note a lawyer's admission to the Bar of another jurisdiction is self-laudatory where clients and others to whom the firm's letterhead is addressed may have a valid interest in being advised of this information. Accordingly, N.Y. State 41 (1966) and N.Y. State 237 (1972) are hereby overruled.

OVER---

Since failure to note any specific jurisdictional limitation as to the lawyer implies admission to the home Bar, no specific notation is required. However, if the lawyer is not admitted to practice in New York, an appropriate notation to such effect is required so that the letterhead not be misleading. Either a notation "admitted in 'X' only" or "not admitted in New York" would be sufficient. See DR 2-102(D), EC 2-10, N.Y. State 352 (1974), N.Y. State 355 (1974).

-----