

DIGEST OF ETHICS ADVISORY PANEL
OPINION #88-4, Request #20
ISSUED APRIL 15, 1988

An attorney seeks Panel advice as to whether he can include a non-lawyer who is a graduate of an unaccredited law school on the letterhead of his firm. He provides a sample letterhead which shows the non-lawyer's name separated from the lawyers' names by two thin lines with "JD" appended to it.

The Panel takes the position that use of this stationery would constitute a violation of EC 3-4 and DR 3-101(A). A layman seeking legal services from the inquiring attorney's firm would be unable to distinguish between the non-lawyer and those members of the firm admitted to the Rhode Island Bar and thus subject to the requirements and regulations of the Rhode Island Supreme Court.

The Panel also notes that the sample letterhead in question would constitute a violation of DR 2-102(A)(4). This rule provides, in pertinent part that a law firm's letterhead may "give the names of members and associates" of the firm. Disciplinary Rule 3-103(A) provides that an attorney may not form a partnership with a non-lawyer; thus the non-lawyer cannot be considered a "member and associate" of the firm.

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.