

DIGEST OF ETHICS ADVISORY PANEL
OPINION 89-11, REQUEST #56
Issued June 15, 1989

An attorney seeks Panel advice as to the propriety of his association with the firm of "X and Y" under the circumstances he describes. The attorney advises the Panel that the firm of "X and Y" was organized as a partnership in another state by Mr. X and Mr. Y. The attorney states that Mr. X and Mr. Y are the only partners in the partnership, that both are admitted to practice in Massachusetts but that neither is admitted to practice in Rhode Island. The attorney states that only attorneys licensed to practice in Rhode Island practice in the Rhode Island office of the partnership. The attorney calls the Panel's attention to the partnership's stationery, on which the names of attorneys licensed to practice in Rhode Island are followed by a dot, and the names of attorneys licensed to practice in Massachusetts are followed by an asterisk. The individual licensed in both jurisdictions has both a dot and an asterisk after his name. Although not pertinent to the attorney's specific inquiry, the attorney advises the Panel that the two partners, Messrs. X and Y are also the only shareholders in the Massachusetts legal professional services corporation of "X and Y, P.C.," a firm duly organized pursuant to Massachusetts law. The attorney states that to the best of his knowledge "X and Y, P.C." practices only in Massachusetts. The attorney also states that "X and Y, P.C." is entirely separate from the "X and Y" partnership.

Rule 7.5(b) provides, in pertinent part:

A firm with offices in more than one jurisdiction may use the same name in each jurisdiction . . .

The Panel takes the position that the Massachusetts partnership "X and Y" may certainly open an office in Rhode Island. Rule 7.5(b) also requires the partnership to "indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located." Although the fact that Messrs. X and Y are not licensed to practice in Rhode Island can certainly be deduced from the symbols used, this fact is not expressed as a "limitation" and is therefore confusing. The Panel also notes that a dot and an asterisk are far more likely to be confused upon cursory examination than more easily distinguishable symbols such as a dot and a cross.

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.