

DIGEST OF ETHICS ADVISORY PANEL
Opinion #90-35, Request #113
Issued August 2, 1990

An attorney seeks Panel advice as to how his firm should identify its new associate on business cards, correspondence and in newspaper announcements.

The attorney advises the Panel that the new associate is a member of the bar of another state and will be taking the Rhode Island bar examination within the next few months. The attorney asks, first, whether the new lawyer may utilize business cards which do not indicate that he is not admitted to the bar in Rhode Island prior to his expected admission to the bar.

Rule 7.1, titled "Communications Concerning a Lawyer's Services" provides in pertinent part that

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

(a) . . . omits a fact necessary to make the statement considered as a whole not materially misleading . . .

Rule 7.5, titled "Firm Names and Letterheads" provides, in pertinent part:

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

The Panel takes the position that if the new lawyer in the inquiring attorney's firm were to utilize business cards not indicating that he is not a member of the Rhode Island bar he would violate Rule 7.1(a) and Rule 7.5(a).

The inquiring attorney next asks whether the new lawyer may sign correspondence on firm stationery without adding an indication that he is not a member of the Rhode Island bar. The inquiring attorney notes that the firm's stationery does not identify lawyers individually. The Panel takes the position that the new lawyer may not sign correspondence as an attorney without indicating that he is not admitted to the Rhode Island bar. Failure to so indicate would constitute a "misleading communication" within the meaning of Rule 7.1.

Finally, the attorney asks whether his firm may publish a newspaper announcement that the new lawyer in question has been hired without indicating that he is not a member of the Rhode Island bar. The Panel takes the position that publishing the newspaper announcement without indicating the newly hired lawyer's jurisdictional limitations would constitute a "misleading communication" within the meaning of Rule 7.1.

(LES 1977J)

Page Two

90-35

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.