

FINAL

**ETHICS ADVISORY PANEL
OPINION # 96-24, - REQUEST # 680
ISSUED - SEPTEMBER 12, 1996**

FACTS:

The inquiring attorney recently retired from the practice of law and has been placed on "inactive" status by the Rhode Island Supreme Court. He/she is still a member of the Rhode Island Bar Association.

ISSUES PRESENTED:

The inquiring attorney asks (1) whether he/she may use letterhead that contains designations such as "Attorney at Law (Retired)," "Member of the Rhode Island Bar Association," or his/her academic degrees; and (2) whether he/she may use the designation "J.D." or "Juris Doctor" instead of "LL.B." which he/she earned in 1956.

OPINION:

The inquiring attorney may use the designations "Attorney at Law (Retired)" and may indicate the applicable academic degrees on his/her letterhead. However, the designation "Member of the Rhode Island Bar Association" should not be used on the letterhead as it is misleading. The Panel is without authority to decide whether "LL.B." and "J.D." are interchangeable, and refers the attorney to the conferring academic institution regarding that question.

REASONING:

Rules 7.1 and 7.5 govern this inquiry. Rule 7.1 entitled "Communications Concerning a Lawyer's Services" states in pertinent part:

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) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;

Rule 7.5 entitled "Firm Names and Letterheads" states:

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

A lawyer's letterhead must not be false or misleading. The Panel takes the position that as long as the notation "Retired" is included in the title "Attorney at Law" or "Esquire," a retired attorney may continue to use the professional designation. Use of the word "retired" will serve to avoid any implication of the attorney's continued law practice. It clearly indicates the attorney's status and indicates that the attorney is no longer authorized to practice law. The Panel also takes the position that the inquiring attorney may include academic degrees on his/her letterhead, as they reflect earned academic degrees and not professional standing. The Panel is without authority, however, to advise the inquiring attorney whether "LL.B" and "J.D." may be used interchangeably, and refers the inquiring attorney to the conferring academic institution for a resolution of that question.

On the other hand, the designation "Member of the Rhode Island Bar Association," even though truthful, could be misleading to a lay person, as membership in the bar association implies that the lawyer is eligible to practice law.