

NEW YORK STATE BAR ASSOCIATION
Committee on Professional Ethics

Opinion #237 - 3/17/72 (13-72)

Overruled by 434

Topic: Letterhead

Digest: Lawyer may not use legend "Member of the Bar of the State of New York and New Jersey" on his letterhead

Code: EC 2-9; DR 2-102; 2-102(D)

QUESTION

May a lawyer admitted to practice in both New York and New Jersey and maintaining offices in both states, place on his professional letterhead, which carries both addresses, the legend "Member of the Bar of the States of New York and New Jersey"?

OPINION

Professional notices and letterheads must be dignified and avoid self-laudation and other forms of commercialization. See EC 2-9 and DR 2-102. The proposed language would tend to violate these standards and should not be used.

In order to prevent possible public misunderstanding, DR 2-102(D) mandates that letterheads and other permissible listings make clear all jurisdictional limitations on any firm members and associates whose names are listed on a professional letterhead. This provision does not, however, justify the inclusion on the letterhead of a lawyer practicing in more than one state an affirmative notation that he is admitted to practice in each state for which an office address is given. The inclusion on a lawyer's professional letterhead of multiple state addresses necessarily implies his admission to practice in each state for which an address is given, subject to the disclaimer requirements of DR 2-102(D).

Prior to the adoption of the Code, it was held that it was improper for a New York lawyer admitted to practice in more than one state to include on his letterhead a specific notation of the states in which he was admitted to practice. N.Y. State 41 (1966). See also, ABA Inf. 956 (1966); ABA Inf. 821 (1965); N.Y. City 838 (1959) and Drinker, Legal Ethics 229 (1953). The adoption of the Code requires no modification of these earlier decisions.