



Committee on Professional Ethics

Opinion #359 - 9/10/74 (36-74)

Topic: Listing of lawyer admitted only in foreign jurisdiction on letterhead of New York firm.

Digest: A lawyer admitted only in a foreign country may be listed as an associate on the letterhead of a New York law firm if there is an appropriate indication that he is admitted solely in the foreign country.

Code: EC 3-5; 3-9.
DR 2-102(D); 3-101(B)

QUESTION

May the letterhead of a New York law firm list as an associate a lawyer admitted to practice solely in a foreign jurisdiction with an appropriate indication on the letterhead that he is admitted solely in the foreign jurisdiction?

OPINION

The permitted activities in New York State of a lawyer admitted to the Bar of a foreign country has recently been clarified by Section 53 of the Judiciary Law (as amended by L. 1974, Ch. 231) and by Part 521 of the Rules of the Court of Appeals for the Licensing of Legal Consultants adopted pursuant to said Law. While this Committee does not pass on questions as to what constitutes the practice of law (EC 3-5), the existence of the new rules with respect to the activities of lawyers admitted in a foreign jurisdiction provides a relevant background in connection with the question presented.

It is not improper to list among the associates of a New York law firm on its letterhead a member of the Bar of a foreign country with an appropriate disclosure of his status, such as "Admitted to practice in Germany only" or "Member of the Bar of Germany only." This accords with the position taken in N.Y. County 589 (1971) which related to a patent and trademark firm but no distinction was drawn in that opinion between such a firm and a firm engaged in general practice. ABA 263 (1944) and N.Y. City 756 (1950) which are to the contrary do not seem to us to accord with present multistate and multinational practice. See, N.Y. State 175 (1970); ABA 316 (1967); EC 3-9; DR 2-102(D); cf. N.Y. City 884 (1974) which states the view of that Association that if the firm has offices only in New York, such listing of an associate would be improper.

Nothing in this opinion is to be taken to imply to what extent, if any, such associate may practice law in New York, which we consider a question of law upon which we do not pass. See DR 3-101(B).