



New York State Bar Association Committee on Professional Ethics

Opinion 943 (11/2/12)

Topic: Law firm business card of non-attorney; title of non-attorney law school graduate

Digest: The law firm business card of a firm employee who is a law school graduate but is not admitted to practice may not list the employee's J.D. degree or use the title "legal project manager" without making clear that the individual is not admitted to practice law.

Rules: 5.3, 7.1(a), 8.4(c)

FACTS

1. The inquirer is a New York law firm that employs a law school graduate who is not admitted to practice law in any jurisdiction and who works as an "account/project manager" and client liaison for a major client of the firm. The firm would like to order business cards for her but wants the information on the card to comply with all applicable ethical requirements. The firm proposes to include the following information on this employee's business card:

[Employee's name], J.D., M.I.P.
Legal Project Manager

The "M.I.P." is a master of laws degree relating to intellectual property.

QUESTION

2. May the law firm business card of a firm employee who is not admitted to practice law list the employee's law degrees or use the title "Legal Project Manager?"

OPINION

3. This committee has previously concluded that a lawyer is responsible for ensuring that the content of business cards of the lawyer's non-attorney employees meet the same standards as those applicable to lawyer advertising. N.Y. State 640 (1992). That opinion was based on the Code of Professional Responsibility, but the current Rules of Professional Conduct (the "Rules") include provisions that support a similar conclusion.¹ An ethical responsibility for such oversight applies not only to individual lawyers, but also to the entire law firm that employs the

¹ See Rule 5.3(a) (providing that a lawyer with direct supervisory authority over a nonlawyer "shall adequately supervise the work of the nonlawyer"); Rule 5.3(b) (providing that a lawyer is responsible for conduct of an employed nonlawyer that would violate Rules if the lawyer has supervisory authority over the nonlawyer and either timely knew of the conduct but failed to take reasonable remedial action or should have known of the conduct so that such action could have been timely taken).

non-attorney employees.²

4. A paramount concern of the rules on advertising is the prohibition against the use of statements that are “false, deceptive or misleading,” and even beyond the context of advertising, it is prohibited for a lawyer or law firm to engage in any conduct involving dishonesty or deceit. Rule 7.1(a)(1); Rule 8.4(c).

5. In N.Y. State 640 (1992), focusing on the potential to mislead, we considered which of several proposed titles for a paralegal could be used on a law firm business card. We approved the use of the title “Senior Paralegal” because it “unambiguously conveys that the employee is a paralegal.” We rejected certain other titles as being likely to confuse the public. For example, we found the title “Paralegal Coordinator” ambiguous, in that it could refer to an attorney coordinating the firm’s paralegals, and thus impermissible unless the business card made clear that the employee did not practice law.

6. In N.Y. State 704 (1997), we considered whether a lawyer not admitted in New York (but admitted in other jurisdictions) could be listed as a lawyer on the letterhead or business card of a law firm’s New York office. We concluded that such a listing needed to disclose the jurisdictional limitations of the lawyer. “The governing principle is that the principal office address on the letterhead implies that each attorney whose name is shown on the letterhead has been admitted to practice in the jurisdiction in which that address is located. If the implication is untrue, then it should be clarified with language sufficient to the task in order to avoid misleading the reader.” *Id.*

7. The holdings of Opinions 704 and 640 govern this inquiry. Just as listing a lawyer on law firm letterhead with a New York principal address may imply that the lawyer is admitted to practice in New York, listing “J.D.” next to an employee’s name on a law firm business card may imply to the public that the employee is an attorney. Similarly, use of the title “Legal Project Manager” on a law firm business card – like use of the title “Paralegal Coordinator” – may lead others to that same incorrect conclusion. Thus, the proposed title and degree information may be listed on a law firm business card (or its equivalent, including a digital “vCard”) only if the card expressly discloses that the employee is not admitted to practice law.

CONCLUSION

8. The law firm business card of a firm employee who is a law school graduate but does not practice law and is not admitted to practice law may not list the employee’s law degrees or use the title “Legal Project Manager” without expressly indicating that the individual is not admitted to practice law.

(58-12)

² See Rule 5.3(a) (providing that a law firm “shall ensure that the work of nonlawyers who work for the firm is adequately supervised” as appropriate); N.Y. State 704 (1997) (stating that cited Code provisions “apply with the same force to the law firm as to its individual attorneys”).