

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

41 SOUTH HIGH STREET-SUITE 3370, COLUMBUS, OH 43215-6105
(614) 644-5800 FAX: (614) 644-5804

OFFICE OF SECRETARY

OPINION 89-16

Issued June 16, 1989

Withdrawn by Adv. 2012-2

[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]

SYLLABUS: Disciplinary Rule 2-102 (A) (4) does not provide for the listing of non-lawyer employees on a law firm's letterhead. In our view therefore, non-lawyer employees may not be listed on a law firm's letterhead. Office managers and other non-lawyer employees may have business cards designating their title and identifying them as employed by the firm.

OPINION: We have before us your request for an advisory opinion which asks the following two questions:

May a law firm list the name of a non-lawyer office administrator on its letterhead, provided that his name is isolated from those of the attorneys practicing in the firm, and an appropriate title reflecting his administrative function appears next to his name?

May a law firm permit a non-lawyer office administrator to use a business card bearing the firm name, provided an appropriate title reflecting his administrative function appears next to his name, and the business card is used primarily with individuals concerned with the firm's business operation?

In regard to having non-lawyers listed on a law firm's letterhead, the ABA recently issued an opinion which permits such a listing. ABA Committee on Ethics and Professional Responsibility, Informal Op. 1527 (1989). However, the ABA opinion interprets the Model Rules, which have not been adopted in Ohio.

Disciplinary Rule 2-102 (A) (4) of the Code of Professional Responsibility allows an attorney to include on his or her letterhead the name of the law firm, names of members and associates, and the names and dates relating to deceased and retired partners. In our view, the information which this rule specifically permits a lawyer to include on his or her letterhead is an exhaustive list. Hence, the rule, on its face, does not specifically permit the listing of non-lawyers.

Moreover, the listing of a non-lawyer employee may tend to mislead the public which is a violation of DR 2-101 (A). Therefore, we are of the opinion that listing an office administrator on a law firm's letterhead would be a violation of the Code of Professional Responsibility.

In regard to an office administrator having a business card, we believe that it is permissible for non-lawyer employees, such as office managers, investigators and legal assistants, to have a business card. ABA Committee on Ethics and Professional Responsibility Informal Op. 1185 (1971); Informal Op. 1367 (1976). The business card may include the name, address and phone number of the firm and should clearly designate the title of the non-lawyer employee and indicate "non-lawyer."

In conclusion, it is our opinion and you are so advised that a non-lawyer employee may not be listed on a law firm's letterhead. A non-lawyer employee may have a business card which includes the firm's name and the employee's title.

This is an informal, non-binding advisory opinion, based upon the facts presented and limited to questions arising under the Code of Professional Responsibility.