

ADVISORY ETHICS OPINION 79-24

SYNOPSIS:

Within limitations as set out below, a firm may list attorneys as being “of counsel” when not authorized to practice in Vermont.

FACTS:

The question presented is a Vermont lawyer has asked for our opinion as to whether or not a code permits his “listing on . . . professional stationary [sic] the names of out-of-state or foreign lawyers as ‘of counsel.’”

The Code specifically provides that a law firm letterhead may ethically list the names of lawyers who are not partners or associates in that firm, but who do have a “continuing relationship” with the firm, see 12 V.S.A. App. IX DR 2-102 (A)(4).

In addition, DR 2-102 (d) makes clear that a law firm letterhead must disclose clearly the fact that one or more of those listed is not admitted to practice in the jurisdiction in which the firm practices.

CONCLUSION:

Our advise to this applicant is as follows:

- A. Do not list any person “of counsel” on your letterhead unless you are sure that person is currently licensed to practice law somewhere;
- B. Do not list any lawyer on your letterhead unless that lawyer has a “continuing [professional] relationship” with your firm.
- C. Be certain to disclose where the lawyer is admitted if not admitted to practice law in Vermont.