

**ETHICS OPINION NUMBER 73
OF THE MISSISSIPPI BAR
RENDERED APRIL 2, 1982
AMENDED APRIL 6, 2013**

FIRM NAME - LETTERHEAD - Partnership with out-of-state lawyer is authorized under certain conditions.

The Ethics Committee of The Mississippi Bar has been asked to render an opinion on the following facts or situation:

Lawyer X is authorized to practice law in the States of Mississippi and Louisiana. He desires to become associated with Lawyer Y who practices solely in the State of Louisiana. They desire that their letterhead reflect such an association, clearly showing that Lawyer X is licensed to practice in the State of Louisiana and Mississippi, and Lawyer Y is licensed to practice only in Louisiana. Lawyer X wishes to know if it is proper to do this so long as the letterhead clearly reflects who is licensed to practice where.

The Committee is of the opinion that Lawyers X and Y may properly engage in this relationship provided certain guidelines are met. Attention is directed to Rule 7.7(c) of the Mississippi Rules of Professional Conduct (MRPC) which states:

A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

Formal Opinion No. 316, American Bar Association, states specifically:

Of course, only the individuals permitted by the laws of their respective states to practice law there would be permitted to do the acts defined by the state as the practice of law in that state, but there are no ethical barriers to carrying on the practice by such a firm in each state so long as the particular person admitted in that state is the person who, on behalf of the firm, vouches for the work of all the

others and with the client in the courts, did the legal acts defined by that state as the practice of law.

Formal Opinion No. 115, American Bar Association, has emphasized that the public must be apprised of the exact nature of affiliation, and each lawyer involved must carefully avoid any deception or misrepresentation. Lawyers X and Y are cautioned to disclose the exact nature of their association.

As a cautionary matter, Lawyer X and Y's attention is directed to Rule 7.7(e), MRPC, which provides that “[l]awyers may state or imply that they practice in a partnership or other organization only when that is the fact” In this instance, if the proposed association is not structured as a partnership or other association permitted under the disciplinary rules, but is only on a case by case association, the committee is of the opinion that the use of a letterhead which conveyed the existence of a regular partnership association would violate the dictates of Rule 7.7(e), MRPC.