

**ETHICS OPINION NUMBER 179
OF THE MISSISSIPPI BAR
RENDERED DECEMBER 7, 1990
AMENDED APRIL 6, 2013**

FIRM LETTERHEAD - A law firm may not include the name of an environmental consultant on its firm letterhead when the consultant is not a lawyer and is an independent contractor rather than an employee of the firm.

The Ethics Committee has been asked to render an opinion on the following facts:

A law firm has a practice which primarily focuses on real property transactions. In addition, the firm is engaged in the practice of environmental law, both as to real property and regulatory matters. The firm has under contract a professional engineer who is not a lawyer and who is not housed in the offices of the law firm. No fees are shared with the consultant who operates under a contract with the firm. The firm would like to carry the name of the non-lawyer consultant on its letterhead with a disclaimer indicating that he is not a member of any bar. His name would be placed on the letterhead separate and apart from the attorneys practicing with the firm

Mississippi Rule of Professional Conduct 7.1 states in pertinent part that "A lawyer may not make a . . . misleading communication about the lawyer or the lawyers services." "Misleading" is defined as having a likelihood of creating an unjustified expectation about the results that the lawyer can achieve. To allow the addition of a non-lawyer consultant to the letterhead of the law firm would generate an expectation of certain results by the attorneys. Non-legal training is not directly transferable to legal ability and an attorney must be cautious in a public communication not to mislead the public into so thinking. In addition, the attorney must avoid the use of a non-law business or profession as a "feeder" or source of indirect solicitation.

Since the consultant is a non-lawyer and is an independent contractor, there is nothing to prohibit his becoming a consultant to several law firms, corporations, businesses or individuals simultaneously. This, from the law firm's perspective and, thus, from the perspective of the Mississippi State Bar, could very easily give rise to potential conflicts of interest and confidentiality problems.

Therefore, the law firm may not list the name of the non-lawyer engineering consultant on its letterhead.