

**ETHICS OPINION NUMBER 181
OF THE MISSISSIPPI BAR
RENDERED MARCH 9, 1991
AMENDED APRIL 6, 2013**

FIRM NAME - LETTERHEAD - It is not ethically proper for a law firm to carry the name of more than one firm on its letterhead, unless the firms are "Of Counsel" to each other.

The Ethic Committee of The Mississippi Bar has been requested to render an opinion on the following hypothetical question:

Three law firms, called A & B, C & D, and E & F have agreed to use a letterhead which would indicate a firm name of A, C, & E at the top of the letterhead with the three separate firms, which are located in three separate towns, being listed individually with their addresses at the bottom of the letterhead. The three firms do not share losses among themselves, also, no firm has a control over any lawyer in either of the other two firms. The three firms plan to share fees from work done as a result of use of the letterhead. Does this situation comply with the Mississippi Rules of Professional Conduct?

The question presented is controlled by Rule 7.7 of the Mississippi Rules of Professional Conduct which provides that a lawyer shall not use a firm name, letterhead, or professional designation that violates Rule 7.1. Rule 7.1 states that a lawyer shall not make a false, deceptive or misleading communication about the lawyer or the lawyer's services. A communication is false, deceptive or misleading if it: (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Although, this question has not been addressed by the Ethics Committee of The Mississippi Bar, American Bar Association Informal Opinion 1404 (1978) concluded that separate firms were not permitted to carry the names of more than one firm on letterhead. The ABA Opinion concluded "The rule avoids giving a possibly misleading impression where the partners in each law firm are not all the same and do not share responsibility." The Committee feels that the reasoning of the ABA Opinion applies in the hypothetical presented herein and that to avoid possible misleading which is in violation of Rule 7.1, the letterhead should only carry the name

of one firm, unless the firms are "Of Counsel" to each other. *See* Mississippi Bar Ethics Opinion Number 180.