

**ETHICS OPINION NUMBER 25
OF THE MISSISSIPPI BAR
RENDERED NOVEMBER 15, 1974
AMENDED JANUARY 22, 1980
AMENDED APRIL 6, 2013**

AIDING THE UNAUTHORIZED PRACTICE OF LAW - It is improper for an attorney to allow a client to use form collection letters prepared and signed by the attorney.

The opinion of this Committee has been sought in connection with requests made by clients to an attorney that he prepare a "demand letter", to be sent to client's customers who are in arrears on their accounts. It is proposed that such a letter would carry the signature of the attorney and be mailed in one of the attorney's envelopes. The attorney would be compensated on a monthly basis for this service.

The content of the proposed letter would leave blank the customer's name and amount due, and would be mailed from the client's place of business. The proposed letter would leave the control of the attorney and be delivered to his client in the following form:

Re: Account Balance: _____

Dear _____:

(Name of client) has requested that we contact you concerning your account with them. This account is delinquent in the amount of \$____ but, as yet, has not been assigned to us for legal action. However, if this account is not paid in full or satisfactory arrangements made with _____ (Name of client) within five (5) days from the date of this letter, I am to proceed with legal action which will add attorney fees and court costs to the balance already owing. I would strongly suggest that you give this matter your immediate attention.

Sincerely yours,

John Doe,
Attorney at Law

These form letters would then be completed by the client and distributed by him to customers, all in the sole discretion of client and without further knowledge or supervision by the attorney.

It is the opinion of this Committee that the performance of such service by an attorney would be improper.

**CLARIFICATION OF ETHICS OPINION NUMBER 25
OF THE MISSISSIPPI BAR
RENDERED JANUARY 22, 1980**

AIDING THE UNAUTHORIZED PRACTICE OF LAW - Is it improper for an attorney to allow a client to use form collection letters prepared and signed by the attorney.

The Ethics Committee of the Mississippi Bar has been asked to render an opinion concerning the clarification of Opinion No. 25. A bank sends out attorney letters over the signature of its staff attorneys requiring the customer in default to contact a member of the collection department, a layman.

Does the practice above described violate Opinion No. 25 of the Ethics Committee of the Mississippi Bar approved by the Board of Bar Commissioners on November 15, 1974?

No. The procedure prohibited by Opinion 25 envisions that the attorney sign a supply of demand letters in blank, leaving it to the client to fill in the blanks and send the demand to the delinquent customer. Opinion 25 noted that the attorney relinquished control of the demand letters leaving that control solely in the discretion of the client. No such action is contemplated by the bank requesting clarification. The fact that the delinquent customer is directed to contact a layman is not prohibited by the Rules.