



LEGAL ASSISTANCE OF NORTH DAKOTA, Inc.

Administrative Office

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August 4, 1983

Dear [REDACTED]

I have received input either on the phone or through the mail from all members of the Ethics Committee concerning your question regarding the propriety of placement of a professional degree or title on an attorney's letterhead. The committee is significantly divided on this issue, and it will take further research and, most likely, a conference call to be able to issue you a final opinion.

The source of the division is the fact that after the enactment of the original language of DR2-102E, the ABA, and then North Dakota, amended the language of DR2-101 to conform to the Bates v. Arizona U.S. Supreme Court case. In so doing, neither the ABA nor North Dakota changed the language of DR2-102E. The ABA committee on Ethics and Professional Responsibility has issued an informal opinion indicating that DR2-101 was meant to supersede DR2-102E. DR2-101 has been interpreted to allow other professional titles or degrees to be listed publicly on an attorneys written and electronic media public communications.

The issue that the committee is addressing is whether or not DR2-101 supersedes DR2-102E, and if so, is the Ethics Committee the appropriate body for making such a determination.

I will get back to you as soon as possible. However, with summer vacations cutting in to the amount of time available to committee members, it may be the end of August or beginning of September before this is possible. One last piece of

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information that may be of assistance is that no matter which decision the Ethics Committee reaches with regard to this issue, it seems highly likely that a judicial challenge of a restrictive interpretation prohibiting other professional degrees on a letterhead would be successful based on Bates.

I appreciate your patience in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Linda Catalano".

Linda Catalano, Chair
Ethics Committee

LC:as