



LEGAL ASSISTANCE OF NORTH DAKOTA, Inc.

Administrative Office

RUSSEL BUILDING
4007 STATE STREET
BISMARCK, NORTH DAKOTA 58501
TELEPHONE: 701-222-2110

August 6, 1984

Dear [REDACTED]

The reactivated Ethics Committee has finally had a chance to review your request and respond. You requested advice on whether the procedure you use in working with [REDACTED] on bill collections is ethical in view of Ethics Opinions Number 39.

DR 2-102A4 allows for the designation on a client's letterhead of an attorney as general counsel "if the attorney or firm devotes a substantial amount of professional time in the representation of the client." Although you have represented [REDACTED] for a number of years, it is unclear from your letter whether or not a substantial amount of your time is devoted to that work. While the use of a client's stationery, like the one utilized by [REDACTED], may not be prohibited by this disciplinary rule, clearly Ethics Opinion Number 39 intended to restrict the type of letters and letterhead utilized in pre-lawsuit collection correspondence. The use by [REDACTED] of the legal counsel letterhead in pre-lawsuit collection correspondence would violate paragraph 8 of Ethics Opinion 39 and should be discontinued.

With regard to the general lawsuit collection process, as long as all correspondence prepared is carefully reviewed and signed personally by you and mailed by your office staff, there should be no problem with the staff of [REDACTED] drafting those letters. However, should there be any followup contact with the debtor, it is your responsibility to monitor if not conduct the negotiations not only on the legal direction of the lawsuit but also as to any monetary negotiations that might take place pursuant to paragraph 4 of Opinion 39.

Administrative Office:

Administration
State Support Project
Legal Services Developer
for the Elderly

Regional Law Offices:

Bismarck — General Law Unit, Elderly Law Unit
Devils Lake — General Law Unit, Elderly Law Unit, Indian Law Unit
Fargo — General Law Unit, Elderly Law Unit
Minot — General Law Unit, Elderly Law Unit

If in the actual lawsuit collection process this is what is occurring in your office, there is no need to revise your procedures. If it is not currently proceeding in this manner, you should take remedial action.

If you have any further questions, please feel free to contact the committee.

Sincerely,

Linda Catalano

Linda Catalano
Ethics Committee Chair