

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-286
Issued: January 1984

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question 1: May a lawyer have the "Scales of Justice" on the professional card?

Answer 1: Yes.

Question 2: May a lawyer have the "Scales of Justice" on the lawyer's letterhead?

Answer 2: Yes.

References: SCR 3.135 (now Rules 7.01-7.60); EC 2-11; DR 2-102; KBA E-209.

OPINION

Advertisements by lawyers are governed by SCR 3.135. The lawyers professional card and letterhead are not within the definition of "advertise" in SCR 3.135(2)(a).

The Code of Professional Responsibility provides in part as follows:

EC 2-11. The name under which a lawyer conducts his practice may be a factor in the selection process. The use of a trade name or an assumed name could mislead laymen concerning the identity, responsibility and status of those practicing thereunder. Accordingly, a lawyer in private practice should practice only under his own name, the name of a lawyer employing him, a partnership name composed of the name of one or more of the lawyers practicing in a partnership, or, if permitted by law, in the name of a professional legal corporation which should be clearly designated as such. For many years some law firms have used a firm name retaining one or more names of deceased or retired partners and such practice is not improper if the firm is a bona fide successor of a firm in which the deceased or retired person was a member, if the use of the name is authorized by law or by contract, and if the public is not misled thereby. However, the name of a partner who withdraws from a firm, but continues to practice law should be omitted from the firm name in order to avoid misleading the public.

DR 2-102 Professional Notices, Letterheads, Offices and Law Lists.

(A) A lawyer or a law firm shall not use professional cards, professional announcement cards, office signs, letterheads, telephone directory listings, law lists, legal directory listings, or similar professional notices or devices, except that the following may be used if they are in dignified form:

(1) A professional card of a lawyer identifying him by name and as a lawyer, and giving his address, telephone number, the name of his law firm, and any information permitted under DR 2-105. A professional card of a law firm may also give the names of members and associates. Such cards may be used for identification but may not be published in periodicals, magazines, newspapers, or other media

(4) A letterhead of a lawyer identifying him by name and as a lawyer and giving his address, telephone number, the name of his law firm associates and any information permitted under DR 2-105. A letterhead of a law firm may also give the name of members and associates and names and dates relating to deceased and retired members. A lawyer may be designated "Of Counsel" on a letterhead if he has continuing relationship with a lawyer or law firm, other than as a partner or associate. A lawyer or law firm may be designated as "General Counsel" or by similar professional reference on stationery of a client if he or the firm devotes a substantial amount of professional time in the representation of that client. The letterhead of a law firm may give the names and dates of predecessor firms in a continuing list of succession.

Notwithstanding the fact that the Code does not specifically permit a lawyer to have the "Scales of Justice" on either a card or letterhead it is our feeling that the time honored symbol (logo) of the practice of law may be placed on the professional card and letterhead of the lawyer.

This opinion overrules KBA E-209 to the extent they are inconsistent.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.