

**STATE BAR OF NEVADA
STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY**

**Formal Opinion No. 11
May 10, 1989**

QUESTION - May a Nevada law firm's letterhead, which otherwise complies with SCR 199, show the firm's affiliation with an out-of-state law firm?

ANSWER - Yes.

AUTHORITIES RELIED ON

Nevada Rules of Professional Conduct (Supreme Court Rules) 199 (1988)

DISCUSSION

A lawyer licensed to practice law in this state is interested in maintaining an office in one or more locations in Nevada. These offices will operate under the name of this attorney. The attorney is a member of an out-of-state law firm that maintains offices in other states. The attorney wants to demonstrate this affiliation with the out-of-state firm on his Nevada firm's letterhead. A specimen of the letterhead format is set out below.

Licensure Information (Name) Additional Offices
|For Named Attorney (Attorney at Law) (Name of Out-of-State Firm)
(Address) (Office Locations)
(Telephone) (Name of Out-of-State Firm)
(Office Location)

SCR 199 provides in part: "It shall be unprofessional conduct to use a firm name for a law firm unless each and every person whose name is used is a member of the state bar in good standing and a bona fide member of the firm." This rule is satisfied in this circumstance because the firm name used is the name of a member in good standing of the state bar and a bona fide member of the firm. The Nevada attorney is not attempting to practice in this jurisdiction under the name of the out-of-state firm. If that were the case, each person whose name appears in the name of the out-of-state firm would have to be a member of the Nevada bar.

A rule like SCR 199 has as its predicate the prevention of potentially misleading the public or prospective clients about the composition of the law firm based on the firm's name. In re Professional Ethics Advisory Comm. Opinion, 444 A.2d 1092, 1097-98 (N.J. 1982); but see New York Criminal and Civil Court Bar Ass'n v. Jacoby, 460 N.E.2d 1325, 1327 (N.Y. 1984). The Committee is of the opinion that the proposed letterhead is not misleading, since it is clear that the Nevada firm is practicing under the name of a Nevada attorney in compliance with SCR 199.

CONCLUSION

A Nevada law firm satisfying the requirements of SCR 199 may indicate its affiliation with an out-of-state law firm on the law firm's letterhead.

This opinion is issued by the Standing Committee on Ethics and Professional Responsibility of the State Bar of Nevada, pursuant to SCR 225. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, its Board of Governors, any persons or tribunals charged with regulatory responsibilities, or any member of the State Bar.