

Nebraska Ethics Advisory Opinion for Lawyers
No. 78-4

THE PARTNERSHIP NAME OF A LAW FIRM COMPOSED OF MEMBERS PRACTICING IN NEBRASKA AND OTHER JURISDICTIONS MAY INCLUDE THE NAME OF A PARTNER NOT LICENSED TO PRACTICE IN NEBRASKA IF THE ENUMERATION OF THE MEMBERS AND ASSOCIATES OF THE FIRM ON ITS LETTERHEAD AND IN OTHER PERMISSIBLE LISTINGS MAKES CLEAR THE JURISDICTIONAL LIMITATIONS ON THOSE MEMBERS AND ASSOCIATES OF THE FIRM NOT LICENSED TO PRACTICE IN ALL LISTED JURISDICTIONS.

FACTS

Inquiry has been made as to whether the name of a law firm practicing in Nebraska may include a partner who is not licensed to practice in this state. The firm has offices in states other than Nebraska and the member in question is licensed to practice and is practicing in one of the other states.

In the inquiry, attention was called to ABA Formal Opinion 318, Nebraska [Advisory Opinion 69-5](#) and DR 2-102(D) of the Code of Professional Responsibility which became effective in Nebraska subsequent to the issuance of Nebraska Advisory Opinion 69-5.

In [Advisory Opinion 69-5](#), this Committee ruled that the firm name in Nebraska could not include the name of a lawyer not licensed to practice in this state. Reliance was had on ABA Formal Opinion 318. Subsequent to the issuance of ABA Formal Opinion 318, the present Code of Professional Responsibility was adopted by the House of Delegates of the American Bar Association. The Nebraska Supreme Court adopted the Code effective May 1, 1970, subsequent to the issuance of [Advisory Opinion 69-5](#).

DR 2-102(D) of the Code of Professional Responsibility

as so adopted provides:

"A partnership shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction."

ABA Informal Opinion 1165 states that the last clause of DR 2-102(D) clearly permits use of a firm name which includes the name of a partner not admitted in the particular jurisdiction. That opinion recognized that DR 2-102(D) overruled ABA Formal Opinion 318 and reflected a change from Canon 33 of the old Canons of Professional Ethics.

In our opinion, DR 2-102(D) also overrules Nebraska Advisory Committee [Opinion 69-5](#).

CONCLUSION

The firm name of a law partnership practicing in Nebraska may include the name of a partner who is not licensed in Nebraska but is licensed to practice and is practicing in another state if the enumeration of the members and associates of the firm on its letterhead and in other permissible listings makes clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions.