

Nebraska Ethics Advisory Opinion for Lawyers
No. 88-2

THE INDIVIDUAL NAMES OF PARALEGALS OR LEGAL ASSISTANTS MAY BE LISTED ON A LAW FIRM'S PROFESSIONAL LETTERHEAD IF THE LETTERHEAD CLEARLY INDICATES THAT SUCH EMPLOYEES ARE NOT ATTORNEYS.

FACTS

An attorney asks whether he may list on his professional letterhead the names of paralegals or legal assistants employed by his firm.

DISCUSSION

A law firm's professional letterhead is a form of communication which is protected by the First Amendment. Restrictions on the use of such communication must be reasonable and must secure a substantial state interest. *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977); *In re R.M.J.*, 455 U.S. 191 (1982).

The Code of Professional Responsibility provides that attorneys may not use a letterhead which is false or misleading. DR 2-102(A), DR 2-101(A). The Committee is of the opinion that the listing of the names of paralegals or legal assistants on a professional letterhead does not violate these Code provisions if the letterhead clearly indicates that the paralegals or legal assistants are not attorneys.

An attorney may properly communicate to others factual information regarding the employees of his or her law firm. Such information may eliminate confusion as to the status of nonlawyer employees and may be of assistance to the public.

CONCLUSION

The individual names of paralegals or legal assistants may be listed on a law firm's professional letterhead if

the letterhead clearly indicates that such employees are not attorneys.

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