

KENTUCKY BAR ASSOCIATION

Ethics Opinion KBA E-84

Issued: March 1974

Question: May an attorney in his private practice include on his letterhead reference to his position as a public official?

Answer: No.

References: DR 2-102(A)(4)

OPINION

An inquiry has been received concerning the propriety of including a reference on the letterhead used by an attorney in his private practice to his position as a public official.

DR 2-102(A)(4) specifies the information that may be included on an attorney's letterhead. In material portion it provides that the following may be used:

A letterhead of a lawyer identifying him by name and as a lawyer, and giving his addresses, 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 names of members and associates, and names and dates relating to deceased and retired members.

DR 2-105 concerns specialties and is not material to our inquiry.

Examination of this rule leaves little doubt that any reference to a public position -- legal or otherwise--cannot properly be included on the stationery used by an attorney in his private practice.

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). Note that the Rule provides: "Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act."