

Opinion 64
February 1953
18 Baylor L. Rev. 223 (1966)

OFFICES IN DIFFERENT CITIES

A law firm may maintain offices in more than one city in Texas.

PROFESSIONAL LISTING - LETTERHEADS - ATTORNEY NOT LICENSED TO PRACTICE

An attorney or a law firm may list on letterheads, in directories, in Martindale-Hubbell, or any approved form of professional listing, a partner or an associate who is not licensed to practice in Texas, provided he is a licensed attorney in one or more states other than Texas, the listing is limited to the office of the firm where he is active, the listing correctly reflects his status as a partner or associate, that he is not licensed to practice in Texas, and that he is licensed in the state where he was first licensed.

PROFESSIONAL LISTINGS - MULTIPLE LISTINGS

An attorney or a law firm maintaining offices in different cities in Texas may not carry in the biographical section of Martindale-Hubbell Directory separate biographical sketches under each city, including every associate and member of the attorney or firm, regardless of whether the associate or member resides and practices in the city. The listing, as to a particular city, should be confined to the associates and members who reside in, or who regularly come to and practice in, the city where they are listed.

Canons 24, 39.

The following questions were submitted to this committee by a special committee appointed by the Board of Directors of the State Bar of Texas to investigate and make recommendations to the Board of Directors for the purpose of working out some plan or policy for future listings in law directories and similar publications. The questions have received careful and detailed consideration at the hands of this committee, and the predecessor committee. This committee also acknowledges the very helpful cooperation of Mr. Edward J. Nofer, Vice-President and General Manager of Martindale-Hubbell, Inc., in arriving at a proper solution of the matter.

QUESTION

Is it a violation of the Canons of Ethics for an attorney or a firm of attorneys to maintain offices in several different cities in Texas?

OPINION

The committee is unanimous in its view that it is not a violation of any Canon for a firm to maintain offices in more than one city in Texas.

QUESTION

Is it a violation of the Canons of Ethics for an attorney or a firm of attorneys to list on letterheads, in directories, in Martindale-Hubbell, or any approved form of professional listing, either a partner or an associate who is not licensed to practice in the State of Texas?

OPINION

This committee is unanimous in its opinion that it is not a violation of any Canon of Ethics, provided such partner or associate is a licensed attorney in one or more states other than Texas, the listing of such partner or associate is limited to the particular office of the firm where he is active; such listing correctly reflects his status as a partner or associate, that he is not licensed to practice in Texas, and that he is licensed in the state where he was first so licensed.

QUESTION

Is it a violation of the Canons of Ethics for an attorney or a firm of attorneys who maintain offices in several different cities in Texas to carry in the biographical section of Martindale-Hubbell Directory, separate biographical sketches under each city, which includes every member and associate of the attorney or firm, regardless of whether or not such member or associate actually resides and practices in such city?

OPINION

With the exception of one member, this committee is of the opinion that such multiple listings are unfair and violate the spirit, if not the letter, of Canon 39. The committee is further of the opinion that such listing, as to a particular city, should be confined to the partners and associates who actually reside in, or who regularly come to and practice in the city where they are listed.

The other member could find no Texas Canon which was violated, but was of the opinion that such multiple listings were unfair, and may violate American Bar Canon 27, citing American Bar Opinion 249 in support of that view. (8-1)