

UNPUBLISHED LEGAL ETHICS OPINION 78-11

In response to your inquiry of August 14, 1978, I enclose a copy of the applicable provision of the Code of Professional Responsibility as adopted by the Supreme Court of Appeals of West Virginia. Under DR 2-102(D), your proposed course of action would not be ethically improper as long as the jurisdictional limitations are set forth.

If you have any additional questions, please do not hesitate to contact me.

LEGAL ETHICS INQUIRY 78-11

Letter of Inquiry - August 14, 1978

We have a question about the Code of Professional Responsibility adopted in your state. In New York, DR 2-102(d) of the Code permits attorneys licensed in different jurisdictions to form a partnership as long as the letterhead sets forth each associate's and partner's limitation to practice. This same section permits the same firm name to be used in each jurisdiction.

Our firm would like to form a partnership with an attorney who is licensed and who has offices in your state. We propose to use our firm name in your state and set forth our limitations to practice as required by the Codes as adopted in New York.

If you would, please answer the following questions for us:

(1) Does the Code of Professional Responsibility as adopted in your state permit the formation of such partnerships and the use of the same firm name in each jurisdiction, providing the other requirements are followed?

(2) If your answer to the previous question is in the negative, please attach the relevant provision or provisions of the Code of Professional Responsibility and any opinions rendered by your ethics committee bearing on this situation.

This matter is of great importance to us, and your speedy reply will be very helpful.