

L.E.I. 84-3

(November 30, 1984)

LEGAL RESEARCH SERVICE

A request has been made to the Committee on Legal Ethics for an advisory opinion respecting a proposed legal research service. The proposal contemplates a legal research service to be rendered by a corporation formed by members of The West Virginia State Bar. The corporation will provide legal research services for licensed attorneys and law firms and will be limited to serving the legal profession. The research will be performed by licensed attorneys, either as officers or employees of the corporation, or by research sources. It is to be noted that legal research services have for a long period of time been offered by organizations in adjoining states to West Virginia. In addition, legal publications concerns offer computer-type research in providing citations and case references on specific points of law.

An initial question arises as to whether the proposed service constitutes "corporate practice of law" and, as such, would be prohibited in West Virginia, except where such corporations comply with applicable statutes. West Virginia Code § 30-2-5 contains the prohibition against practice of law by any corporation or voluntary association, except by partnerships composed of licensed attorneys, corporations engaged in examining and insuring titles to real property, and corporations employing attorneys solely in the affairs of the corporation. West Virginia Code § 30-2-5a provides for the establishment of legal corporations and the

rendering of professional services by such corporations that comply with the requirements of that statute. The Committee on Legal Ethics recognizes that a violation of the applicable statute governing practice of law by a corporation is not strictly within its jurisdiction. However, in this specific instance, proper consideration of the proposed legal research firm necessitates consideration of the possible implication of practice of law by a corporation.

As stated, the contemplated service would be limited strictly to providing of legal research to properly licensed and practicing lawyers and law firms. As previously noted, such service has been provided for many years in adjoining states and by corporate bodies. A typical example is the service provided by National Legal Research Group, Inc., a corporation situated in Charlottesville, Virginia. This group was founded in 1969. Its services are limited to attorneys. Similar services are offered by an organization in the state of Ohio. It is clear that so long as the service is limited to attorneys and the corporation itself does not furnish such services or counsel to the public or hold itself out to the public as being entitled to practice law, and does not in any other manner assume, use or advertise the title of lawyer, attorney, counselor at law, or the equivalent, or in any language or manner conveys the impression that it is a legal practitioner of law, or in any manner advertises that it either by itself or with other persons owns, conducts or maintains a law office, then it is not engaged in the unlawful practice of law as

defined by W. Va. Code § 30-2-5 or engaged in the practice of law without a license as defined in W. Va. Code § 30-2-4. The practice of law is further defined in West Virginia Code, Volume 1A, page 267. See also State Bar v. Earley, 144 W. Va. 504, 109 S.E.2d 420 (1959).

The basic purpose of the prohibitions against unauthorized practice of law and corporate practice of law is protection of the general public, both against incompetent persons and to ensure such protection by control of the Bar. There is further the desirable and, in fact, necessary purpose of maintaining the client-lawyer relationship that is essential to proper legal representation and the rendering of legal services. The increasingly rapid development of change and complexity in the law of today almost daily points out the necessity of having access to competent basic information and research facilities. Part of this is the growth of specialization and the need of assistance from qualified specialists. Much of the practice of law today involves use of competent specialists in accounting, engineering, medicine, environment, taxation, business, estate planning, management and business planning. Few law firms can provide all of the specialists or the writing and analytical abilities to utilize such specialties, and properly make this type service available to courts and clients. The growth of legal research organizations and services such as Westlaw indicates the need and efforts to fulfill these needs.

The proposed legal research service appears to fill a niche and provide practicing attorneys with necessary tools to properly serve the public. So long as the contemplated research service is limited to the legal profession and not to business or the public and is not advertised or held out in any manner to provide such services to the public at large or outside of the legal profession, then it is the opinion of this Committee that the providing of such service is proper.