



Committee on Professional Ethics

OPINION #01-1

Topic: Use of Office Address on letterhead and advertisements

Digest: A lawyer may not use a post office box in lieu of a street address on his/her letterhead and/or business card, or in advertisements.

Code: DR 2-101 (K), DR 2-102 (A), DR 2-102 (A)(4)

QUESTIONS

- 1. May a lawyer omit his/her office or home office (residence) address on his/her business cards or stationery, and insert thereon only a P.O. Box and a telephone number?**
- 2. May a lawyer omit his/her office or home office (residence) address in an advertisement?**

OPINION

DR 2-102, is titled Professional Notices, Letterheads, and signs and gives guidance with respect to same. In addition, DR 2-102 has incorporated by reference all of the requirements of DR 2-101, which refers to Publicity and Advertising

DR2-101(k) clearly sets forth requirements with respect to advertisements as follows: "All advertisements of legal services shall include the name, office address and telephone number of the attorney or law firm whose services are being offered."

DR 2-102(a) provides that a lawyer may use "professional cards, professional announcement cards, office signs, letterheads or similar professional notices or devices, *provided the same do not violate any statute or court rule and are in accordance with DR 2-101, including the following:*

- (1) A professional card of a lawyer identifying the lawyer by name and as a lawyer, and giving addresses, telephone numbers, the name of the law firm and any information permitted under DR 2-105...**

(4) A letterhead identifying the lawyer by name and as a lawyer and giving addresses, telephone numbers, the name of the law firm, associates...

N.Y. State 294 (1973) examined whether a lawyer may outfit a bus and use it as a mobile law office, the committee held that while the use of mobile law office would be proper if "handled carefully and with dignity, with due regard for all the ethical considerations relating to advertising, signs, announcements, etc., as set forth in DR 2-102. The opinion goes on to state that *"the lawyer must also have a fixed address for service of papers, communications, etc. "*

N.Y. State 597 (1989) dealt with the issue of a lawyer using an advertising service that places generic telephone advertisement for lawyer services it held as follows:

"The court rules in each of the four Appellate Divisions provide that "All advertisements of legal services shall include the name, office address and telephone number of the attorney or law firm who services are being offered."¹

N.Y. State 625 (1992) in reviewing advertising by an attorney on a 900 number, held that... "furthermore, both the message and advertisement for it must include the name, office address and telephone number of lawyer who services are being offered. DR 2-101(K)".

N.Y. State 664 (1994) considered a question involving the giving of legal advise on a "900 number," the State Ethics Committee again pointed out that: "DR 2-101(K) states that all advertisements of legal services must include the name, office address and telephone number of the attorney or law firm whose services are being offered".

ABA 249 (1942) in defining the word "address" in the second paragraph of Canon 27 held:

"It is our opinion that an address (other than a cable address) within the intendment of the canon is that of a lawyer's office or his residence. Neither address should be misleading. The residence address, if given, should be identified as such if the city or other place of residence is not the same as that in which the law office is located."

CONCLUSION

Accordingly, we answer the questions presented in the negative.

¹ "22 N.Y.C. R.R. '603.22(K (1st Dep't); 22.N.Y.C.R.R. '881.22(K) (2nd Dep't); 22 N.Y.C.R.R. '806.16(K) 3rd Dep't; and 22 N.Y.C.R.R. '102.16(K) (4th Dep't). The Second Department has sustained its own rule as an aid to consumers. Anonymous v. Grievance Committee, 136 A.D. 344 (2nd Dep't 1988).