

FORMAL OPINION NO 2005-103

[REVISED 2015]

Information about Legal Services: Multistate Law Firm, Advertising Availability of Out-of-State Lawyer

Facts:

Multistate Firm includes lawyers resident in Oregon who are members of the Oregon State Bar and lawyers resident in other states who are members of their state bars but not of the Oregon State Bar.

Question:

May Multistate Firm advertise the availability of non-Oregon State Bar members to their Oregon clients?

Conclusion:

Yes, qualified.

Discussion:

Multistate law firms are clearly permitted. *See, e.g.*, Oregon RPC 7.5(b).¹ The fact that a particular lawyer at such a firm may not be a member of the Oregon State Bar does not prevent that lawyer from engaging in activities permitted by Oregon RPC 5.5(c) and (d).² *See* ABA

¹ Oregon RPC 7.5(b) provides:

A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

² Oregon RPC 5.5(c) and (d) provide:

(c) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

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Formal Ethics Op No 316 (1967); *Appell v. Reiner*, 43 NJ 313, 204 A2d 146 (1964).

A firm may not state or imply, however, that an out-of-state lawyer is, in fact, a member of the Oregon State Bar unless this is true. Compare Oregon RPC 7.1, which provides, in pertinent part:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternate dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; or

(5) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission.

(d) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

See also Oregon RPC 5.5(b);³ Oregon RPC 8.4(a)(3) (prohibiting “conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice law”).

Approved by Board of Governors, February 2015.

³ Oregon RPC 5.5(b) provides:

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

COMMENT: For additional information on this general topic and other related subjects, see *The Ethical Oregon Lawyer* § 2.4 to § 2.4-1 (advertising), § 2.5-4 (firm names and letterhead: multijurisdictional firms) (OSB Legal Pubs 2015); *Restatement (Third) of the Law Governing Lawyers* § 3 (2000) (supplemented periodically); ABA Model RPC 7.1; ABA Model RPC 7.5(b); and ABA Model RPC 8.4(c).

