

Alabama Rules of Professional Conduct

Information About Legal Services

Rule 7.6.

Professional Cards of Nonlawyers.

A lawyer shall not cause or permit a business card of a nonlawyer which contains the lawyer's or firm's name to contain a false or misleading statement or omission to the effect that the nonlawyer is a lawyer. A business card of a nonlawyer is not false and misleading which clearly identifies the nonlawyer as a "Legal Assistant," provided that the individual is employed in that capacity by a lawyer or law firm, that the lawyer or law firm supervises and is responsible for the law related tasks assigned to and performed by such individual, and that the lawyer or law firm has authorized the use of such cards.

Comment

Lawyers employ various persons who are nonlawyers to engage in activities on behalf of the lawyers. These nonlawyer employees are not subject to the disciplinary process of the Alabama State Bar, although the lawyer may be disciplined for their conduct in appropriate cases. See Rule 5.3. These employees include secretaries, investigators, legal assistants, paralegals, librarians, law clerks, messengers, accountants, bookkeepers, office managers, firm administrators, etc. In many cases, these employees will come into contact with clients and with the general public. In these cases, a professional card or calling card may be useful to the employee, the client, and the public.

The Rule is directed against false and misleading business cards. A lawyer must not permit or cause a business card of a nonlawyer employee to be either false or misleading. Particular care should be taken to ensure that no false impression is given that a nonlawyer is a lawyer. In the design of business cards, the position of nonlawyer employee's title should be legibly and prominently indicated in close proximity to the employee's name. Cards that visually present a lawyer's or law firm's name in such a prominent manner as to obscure the employee's nonlawyer status are prohibited. The card should serve the function of identifying the name of the individual employee, but it should not be susceptible to an interpretation by the casual observer that it is the card of a lawyer, as opposed to that of an employee of a lawyer or law firm.

Because the term "legal assistant" contains the designation "legal" and thus might reasonably be considered as prohibited by this Rule, a safe harbor was provided so as to permit use of the term on business cards.

Comparison with Former Alabama Code of Professional Responsibility

Rule 7.6 is a direct counterpart to Temporary DR 2-106. There is no Model Rule counterpart.