



**ILLINOIS STATE
BAR ASSOCIATION**

ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in July 2010. Please see the 2010 Illinois Rule of Professional Conduct 5.5(a). See also ISBA Ethics Advisory Opinion 91-3. This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

**Opinion No. 85-7
December 6, 1985**

Topic: Unauthorized practice, firm letterhead

Digest: A law firm may not provide a client its firm letterhead signed in blank for use by the client.

Ref.: Rule 3-101
ABA Formal Opinions 68 & 253
ABA Informal Opinion 1368

FACTS

A client of a law firm has requested that the firm provide the client with firm letterhead signed in blank by one of the firm attorneys without an addressee, apparently for purposes of debt collection. The client has also requested that the firm not take any fees on payments received within 10 days after the client has sent the letter to a debtor.

QUESTION

The firm has requested an opinion as to whether the client's proposals would involve the firm in improper conduct.

OPINION

It would be professionally improper for the firm to provide a client with blank letterhead or unaddressed form letters signed by a firm attorney for unsupervised use by the client in the client's debt collection efforts. Because the Committee concludes that the proposed practice is improper, it expresses no opinion with respect to the client's proposal regarding fees.

A lawyer may not allow unsupervised lay persons to prepare letters on the lawyer's stationery, with or without the lawyer's signature, if the letter states or implies legal conclusions (i.e., that the addressee is liable for the amount claimed) or threatens litigation if the purported debt is not paid. Such activities would constitute unauthorized practice of law by lay persons contrary to Rule 3-101 of the Illinois Code of Professional Responsibility.

The Committee notes that the relevant ABA authorities reach the same result. Formal Opinion 68 concluded that it was improper for a lawyer to furnish his blank letterhead to a client so that the client could send collection letters over the purported signature of the lawyer. Formal Opinion 253 concluded that several variations of that basic scheme were also improper, including a proposal that a lawyer actually sign such letters without knowledge of their contents. Informal Opinion 1368 found mass mailings of collection letters prepared under a lawyer's general supervision but which letters the lawyer had not personally reviewed to be improper.

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