

Nebraska Ethics Advisory Opinion for Lawyers
No. 72-15

THE INQUIRER STATES THAT MR. _____ IS WITHDRAWING FROM HIS LAW FIRM AND RETIRING FROM THE PRACTICE OF LAW AS OF A CERTAIN DATE. HIS NAME WILL NO LONGER BE CARRIED ON THE LIST OF LAWYERS OF THE FIRM LETTERHEAD AND THE INQUIRER ASKS IF IT IS PROPER TO CONTINUE TO SUE THE WITHDRAWING PARTNER'S NAME IN THE NAME OF THE FIRM.

The Committee is of the opinion that continued use of the name of a retired partner in the name of the law firm is governed by the same considerations as apply to continued use of the name of a deceased partner in the firm's name.

DR2-102(A)(4) states in part:

". . . The letterhead of a law firm may also give the names of members and associates and name and dates relating to deceased and retiring members."

DR2-102(B) contains this language:

". . . and if otherwise lawful a firm may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession."

The American Bar Association's Committee on Professional Ethics has ruled that the continued use of a deceased or former partner's name, when permissible by local custom, is not unethical, but care should be taken that no imposition or deception is practiced through the use.

This opinion is limited to the case of a retiring lawyer

who ceases to practice. The name of a partner who withdraws from a firm but continues to practice law should be omitted from the firm name in order to avoid misleading the public.

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