

You advise you were formerly a partner in a law firm organized as a professional corporation under the name A and B, P.C. You have withdrawn from the corporation and stopped practicing law. When you withdrew, you requested your name (B) be removed from the corporate title. The corporation, however, has refused to accommodate your request.

You wish to know whether it is an ethical violation for the corporation to continue using your name after you have withdrawn from the firm and are no longer practicing law.

Disciplinary Rule 2-101(A) [DR:2-101] instructs that a lawyer shall not, on behalf of himself or his firm, use or participate in any form of public communication which contains a false, misleading, or deceptive statement. Disciplinary Rule 2-101(C) instructs that a lawyer shall not hold himself out as having a partnership with other lawyers unless they are in fact partners. More specifically, EC:2-13 cautions against the use of any name which could mislead the public concerning the identity, responsibility or status of those practicing under the firm name.

The Committee opines that it is improper for the corporation A and B, P.C. to continue using the name B after B is no longer affiliated with the firm.

Committee Opinion
July 12, 1988