

Committee Opinion
April 20, 1990

LEGAL ETHICS OPINION 1341

LETTERHEAD: PLACING NAME OF
RETIRED FORMER PARTNER AND
ADDRESS OF CURRENT EMPLOYER-
CORPORATION.

You have informed the Committee that you have severed your partnership relationship with a law firm, although you continue to be associated with the firm in connection with the joint handling of numerous matters. In addition, you indicate that you have been hired as general counsel for a group of companies.

You have requested that the Committee opine as to the propriety of your use of a letterhead which was provided along with your request. The letterhead indicates that you are a "Retired Former Partner" of a named law firm and also indicates your law practice address and telephone number which, by virtue of a comparison with the companies' letterhead used in your cover letter, is the same as that of the group of companies for which you serve as general counsel.

The appropriate and controlling disciplinary rule relative to your inquiry is DR:2-102(A) which mandates that

A lawyer or law firm may use or participate in the use of a professional card, professional announcement card, office sign, letterheads, telephone directory listing, law list, legal directory listing, or a similar professional notice or device unless it includes a statement that is false, fraudulent, misleading, or deceptive.

The Committee is of the opinion that the use of the identification "Retired Former Partner," along with the name of the firm with which you were previously affiliated, would not be improper so long as all facets of that identification are valid: you must in fact have been a partner in the firm; you must have retired from the partnership as opposed to having merely withdrawn; and you must no longer hold any form of partnership status in the firm. The Committee opines that the use of any such identification which is not valid in all facets would be false and misleading.

With regard to the use of the letterhead bearing the same address as the address of the group of companies for which you serve as general counsel, the committee believes that earlier Legal Ethics Opinions are dispositive of the issue as to whether corporate counsel must identify the name of his corporate employer on his letterhead. LE Op. 509 and LE Op. 959 find it misleading and improper for corporate counsel or an attorney-employee of a company to fail to disclose the name of his corporate employer on his letterhead as well as on his business cards. Furthermore, if you are in fact operating a personal law practice from the same offices as the companies for which you serve as corporate counsel, the committee directs your attention to the pertinent parts of LE Op. 509 and to LE Op. 754 which require an attorney located in a corporation or who shares offices with a corporate client to maintain separate signage at the main entrance; separate and secure files and office space; and separate and distinct telephone listings and phone answering identification.

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Finally, the Committee disagrees with your stated intention to withhold disclosure until representation is undertaken on behalf of third parties involving your present (corporate) employer or in other circumstances where conflicts might arise. The Committee is of the opinion that disclosure must be made immediately without delaying until legal representation is undertaken.

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Editor's Note. – Overruled in part by L E Op. No. 1554. See footnote 1 of the opinion for scope.