

Committee Opinion
October 21, 1991

LEGAL ETHICS OPINION 1437

ADVERTISING AND SOLICITATION:
ATTORNEY RESPONDING TO
INQUIRIES OF DECEASED
ATTORNEY'S CLIENTS.

Attorney W, who died recently, had been a close friend and associate of Attorney A for over twenty years, even though they maintained separate and distinct practices. Six years prior to W's demise, he suffered a disabling stroke, and his offices were moved to Attorney A's offices on another floor so that Attorney A could handle all of Attorney W's affairs, client requirements and pending matters. During that time, W's telephone line was maintained in Attorney A's office.

Since Attorney W's death, Attorney A's office continues to receive several calls a week from former clients of Attorney W. Attorney A's office informs the callers of W's death and offers to assist with document location, past and pending matters, and any other requests. Attorney A's office staff presently answers W's phone by simply stating that the caller has reached W's line, that W has passed away, and that A has taken over the resolution of all of W's office matters.

Under the circumstances described, the Committee believes it would not be improper for Attorney A's staff to continue to answer Attorney W's telephone in the manner described for a reasonable period of time following his death, in order to assist his clients who were unaware of his demise; but that it would be improper for A to retain the deceased attorney's telephone number beyond that reasonable period of time unless the directory listing and method of answering the line are changed to indicate that the telephone line is presently reaching the offices of Attorney A, since the former method of retention of the telephone line may result in Attorney A being engaged in communications which are potentially false, fraudulent, misleading, or deceptive. [DR:2-101(A), DR:2-102(A); LE Op. 934.]

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