Committee Opinion
February 8, 1994

LEGAL ETHICS OPINION 1574   CONFIDENCES AND SECRETS –
                              LETTERHEAD: RETIRED FIRM
                              PARTNER RETAINING OFFICE IN, AND
                              USING SERVICES OF, FIRM AFTER
                              SURRENDERING LICENSE.

   You have presented a hypothetical situation in which a partner in a law firm plans to
retire, at which time he will surrender his license to practice law and will terminate his
relationship with all clients. The partner will handle no further matters except his own
personal concerns. This attorney, however, wants to retain an office in his prior law firm
and to utilize the firm's secretarial and other facilities, including the telephone number
and mailing address and, if allowed by the insurance carrier, to remain insured on the
firm's group medical insurance policy. The attorney will use this office for his personal
business only, and the firm's letterhead will be changed to show the attorney as retired.

   You have asked the committee to opine whether, under the facts of the inquiry, it is
ethical for the law firm and its remaining partners to enter into such a relationship with a
former partner as outlined above, and, if so, if there are any necessary steps to be taken
by the firm to proceed with the outlined relationship.

   The appropriate and controlling Disciplinary Rules related to your inquiry are DR:2-
102(A) which states that a lawyer or law firm may use a professional notice or device
unless it includes a statement or claim that is false, fraudulent, misleading, or deceptive;
and DR:4-101 which requires that a lawyer preserve a client's confidences and secrets.

   The committee is of the opinion that the proposed relationship is not improper since the
partner will be retired from the practice of law and will not be holding himself out as an
attorney. See LE Op. 1341. In addition, the committee cautions that the law firm must be
mindful of the need to protect client confidentiality since the retired attorney will not
be authorized to share that information.

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