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.