

Committee Opinion
August 21, 1987

LEGAL ETHICS OPINION 956

LAW FIRM – SALE.

It is not improper to sell the physical assets or leasehold of a law firm. It is improper to sell the firm name. [DR:2-101, DR:2-102; EC:2-5, EC:2-6, EC:2-13]

It is improper to sell the good will of a law firm. [Canon 2]

It is proper for an attorney to give notice to clients that a new attorney is taking over the law practice and to allow the clients to designate whether their files will be turned over to that attorney. [DR:2-108(D); EC:4-6]

It is not proper to merely allow another attorney to retain the closed files. Proper communication should be made to the client, including recommendations based upon the contents of a file and the subject matter of the representation, so that the client may properly direct the disposition of the files. [DR:2-108(D); EC:4-6]

It is not proper for an attorney to associate someone with his law firm for the purpose of transferring files without making disclosure to the clients. [DR:1-102(A)(4), DR:2-102(A) and (B)]

It is proper to advise the Virginia State Bar of an attorney's change of address; however, the bar cannot serve as a referral system.

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Legal Ethics Committee Notes. – Rule 1.17 permits the purchase or sale of a law firm's practice, including good will, under certain circumstances.