

Committee on Professional Ethics



Opinion #233 - 2/25/72 (6-72)

Topic: Partnership Name

Modifies #58

Digest: Improper to use in firm name the name of a former partner who has become a full time district attorney.

Code*: DR 2-102(B); EC 2-11;
EC 2-12

QUESTION

May the name of a former member of a law firm who has been elected a full-time District Attorney be continued in the firm name?

OPINION

The name of a former member of a law firm who has become a full-time district attorney may not be continued in the firm name of the former partnership. DR 2-102(b) provides in pertinent part:

"A lawyer who assumes a judicial, legislative, or public executive or administrative post or office shall not permit his name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which he is not actively and regularly practicing law as a member of the firm, and during such period other members of the firm shall not use his name in the firm name or in professional notices of the firm."

See also, EC 2-11, EC 2-12. N.Y. State 58 (1967) was decided prior to the adoption of the Code. To the extent it is inconsistent with this opinion, it is overruled.
