



Committee on Professional Ethics

Opinion #266 - 10/20/72 (50-72)

Topic: Firm Name; Retired
Partner.

Digest: Proper for name of retired
partner to remain in
partnership name.

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

QUESTION

May the name of a former partner in a law firm be continued in the firm name in the event he continues to practice law on a limited basis?

OPINION

A law firm may continue the name of a retired partner in the partnership name provided he does not practice law independently of the firm and provided the firm is a bona fide successor to the firm of which the retiring partner was a member. DR 2-102 (B); EC 2-11.

So long as the former partner has a continuing relationship with the firm and to the extent he practices law it is with his former firm, he will not be considered to be practicing independently of the firm and the firm may properly continue his name as a part of the firm name. N.Y. State 70 (1968); cf. Drinker, Legal Ethics 206 (1953); N.Y. City 40 (1926); N.Y. County 170 (1919); ABA 97 (1933).

For the circumstances under which the term "of counsel" may be used to designate the former partner, see N.Y. State 262 (1972).
