



## Committee on Professional Ethics

Opinion #382 - 3/27/75 (16-75)

Topic: Announcements.

Digest: Announcement that a law firm is "successor" to a lawyer who has retired from the practice of law to assume the position of a judge is improper.

Code: Canon 9;  
EC 2-9; 4-6  
DR 2-101(A), (B)

### QUESTION

May a law firm publish an announcement that the law firm is the "successor" to a lawyer who has retired from practice upon his election as a judge?

### OPINION

An announcement which purports to inform the public that a law firm assumed the practice of a judge violates the canons of ethics in that it would involve distribution by the lawyer of material to clients and prospective clients which would constitute a form of advertising clearly proscribed by the Code. DR 2-101(A) and (B).

In addition apparent purpose of the announcement would be to indicate the relationship of the law firm to the judge and would be indirect solicitation of legal business in violation of the ban against such conduct. EC 2-9. The mere appearance of such impropriety should be avoided. Canon 9. It should be noted that those clients for whom the law firm has already received substitutions on behalf of the predecessor counsel need not receive any such announcement and that the announcement to any past clients of the retiring lawyer would be in the nature of advertising and prohibited by the canons.

No valid purpose can be advanced for listing the fact that the law firm is the successor to the retiring judge's practice other than to advertise either their availability to the former clients of the now sitting judge or in the alternative to notify all former clients of the now sitting judge of their "relationship" to the judge who now sits on a court within the county in which the firm practices law. See also N.Y. State 164 (1970); N.Y. State 284 (1973).

The particular proposed announcement words "successor to the firm of" despite restricted circulation to clients and former clients of the judge constituted solicitation and contravention of the canons. See N.Y. City 735 (1949) which provides that it is improper for one lawyer to identify himself in an announcement as "successor to the practice of" a deceased lawyer.

See N.Y. City 803(1955) and EC 4-6 as to appropriate procedures to be followed by a lawyer retiring from the practice of law as to present clients and the disposition of their files.

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