



Committee on Professional Ethics

Opinion #459 - 1/24/77 (119-76)

Topic: Professional announcement

Digest: Announcement may include reference to resigning partner assuming judicial office.

Code: DR 2-102(A)(2) and (B)

QUESTION

May a law firm include in an announcement of its change of name reference to the fact that the change has been occasioned by one of its partners assuming judicial office?

OPINION

The Code of Professional Responsibility permits dignified announcements "stating new or changed associations or addresses, change of firm name, or similar matters pertaining to the professional office of a lawyer or law firm, which may be mailed to lawyers, clients, former clients, personal friends and relatives." DR 2-102(A)(2).

The proposed inclusion of a statement which would indicate that a resigning partner has assumed judicial office fully comports with long standing tradition and would not be improper since it serves to provide useful information as to the reason for the change of the firm's name.

DR 2-102(B), which requires that a lawyer, upon assuming public office, "not permit his name to remain in the name of the 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," is inapposite since the proposed notice is addressed to a change in firm name and reflects the fact that the resigning partner, because of his assumption of public office, will no longer be involved in its practice. The evident purpose of DR 2-102(B) is to prevent a law firm from creating the impression that it continues to enjoy the services of a public official when he is not in fact "actively and regularly practicing law as a member of the firm."
