



## Committee on Professional Ethics

Opinion #346 - 5/30/74 (27-74) Topic: Letterhead

Digest: Improper to list an attorney as "inactive" on firm's letterhead after he has commenced practice in another jurisdiction.

Code: EC 2-11  
DR 2-102(A)(4); 2-102(B),(C)

### QUESTION

May a law firm list on its letterhead a lawyer's name as "John Doe (inactive)" after he has commenced the practice of law in another state and receives no compensation from the firm?

### OPINION

It would be misleading for a law firm to list on its letterhead the name of an inactive lawyer who practices outside the State and receives no compensation from the firm. EC 2-11; DR 2-102(B) and DR 2-102(C). See also ABA 318 (1967). This situation should be distinguished from the continued use of a partner's name following his retirement from practice or death.

DR 2-102(A)(4) enumerates the information that may be carried on the letterhead of a law firm. Permissible listings include members and associates and the names and dates of deceased and retired partners. There is no provision, however, for referring to so-called "inactive members," and there is no proper purpose to be served by such a listing. Rather, designation of an inactive partner would only tend to confuse the public as to the status and responsibility of the inactive member who is practicing law in another jurisdiction.

Whether John Doe can properly be an inactive and non-practicing member of the firm in the event it is incorporated as a professional legal corporation, is a question of law on which this Committee does not pass.

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