

FORMAL OPINION NO. 52\*

The continued use of the name of a retired or deceased partner in the firm name is not unethical, if permitted by local custom. In Idaho this practice has been of long standing.

Where an attorney is on an indefinite leave of absence from the firm and may or may not return to the firm at some future time, it would be improper to list his name with the other partners on the left side of the letterhead. Even in the interest of economy in utilizing present stocks of stationery, this may not be done. It would be appropriate to list his name on the right side of the letterhead with the explanation "Of Counsel."

Out of an excess of caution, we suggest to you that the absent attorney's teaching capacity cannot be printed on the letterhead, and that extreme care be taken that his teaching appointment not be used in any manner to add prestige or attract business to your firm.

It is most proper for a retired firm member retaining "Of Counsel" status to be compensated at an agreed rate for consulting work actually performed. Following the termination of the agreed share of the absent attorney in the present partnership income, it would be improper for him to share in partnership profits, other than on the consulting basis above referred to.

DATED this 29th day of July, 1971.

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\*The governing disciplinary rule is DR 2-102(B).