

PROPRIETY OF USING DECEASED LAWYER'S NAME IN LAW FIRM  
WHEN NO PARTNERSHIP EVER EXISTED

The following inquiry has been submitted for the Committee's opinion:

"A" was prosecuting attorney but did not seek re-election. A's father, AB, practiced law in the same town as A's residence for many years, but passed away over 20 years prior to the time A was admitted to the bar. Would it be proper for A to open a private law office in his home town designated as "The Law Office of A and AB" if A plainly indicated the year AB had passed away?

Under certain circumstances it is proper for a partnership to continue to use the name of a deceased or former partner. (Canon 33; ABA Opinions 6 and 267.)

Under the above facts it is impossible that a law partnership had ever been formed between father and son. There is nothing A can now do to change this fact. It is improper for lawyers to hold themselves out as partners when no partnership exists or ever existed. (ABA Opinions No. 106, 115, 126 and 258.)

A's use of a firm name of A and AB would not be in accord with the facts, would be misleading and deceptive to the public and accordingly professionally improper.

DATED this 3rd day of January, 1961.

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\*See DR 2-102(B) and (C), Idaho Code of Professional Responsibility.