



**ILLINOIS STATE
BAR ASSOCIATION**

ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in July 2010. Please see the 2010 Illinois Rules of Professional Conduct 7.5. See also Illinois Supreme Court Rule 764(b). This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

**Opinion Number 865
(April 27, 1984)**

**Topic: Use of Suspended Lawyer's
Name**

Digest: A law firm may not show on its letterhead or in an ad in the Yellow Pages that the firm was formerly known by a name which includes the name of a suspended lawyer.

Ref: Rules 2-102(a), 3-103;
EC 2-11, 2-12;
ISBA Opinions 739, 666, 362, 262 and 245; and
ABA Informal Opinions 1079, 1080 and 1162.

QUESTION

Lawyer A has been suspended from the practice of law for two years. He has been practicing in a partnership known as A, B & C. His partners will continue their practice under the partnership name of B & C at the same location.

The law firm inquires whether their letterhead can show that the firm was formerly known as A, B & C. The firm further inquires whether the firm's former name can be shown in an ad appearing in the Yellow Pages.

OPINION

While the Illinois Code of Professional Responsibility does not deal directly with the infirmities visited on a suspended or disbarred lawyer or his former firm, we are of the opinion that the firm may not show on its letterhead or in an ad in the Yellow Pages that the firm was formerly known by a name which includes the name of a suspended lawyer.

There are several ethics opinions which allow a law firm to list on its stationery the former names of the firm. See, e.g., ISBA Opinion 739; ABA Informal Opinion 1080. These should be contrasted with Rule 2-102(a) which prohibits a firm from using in its firm name or in professional notices of the firm the name of a lawyer who assumes a judicial, legislative or public executive or administrative post or office during any significant period in which he is not actively and regularly practicing law as a member of the firm. See also EC 2-11, 2-12.

A number of other ethics opinions have dealt with restrictions relating to the activities of a suspended or disbarred lawyer or his former firm. See e.g., ISBA Opinion 666, 362, 262, 245; ABA Informal Opinions 1162, 1079. The thrust of these opinions is to minimize the contact between the suspended or disbarred lawyer and his former law firm so as not to mislead the public as to the relationship between them. ABA Informal Opinion 1079, which was quoted with approval in ISBA Opinion 666, flatly stated that a practicing lawyer may not be associated with a person who has been suspended from the practice of law and that an "impression" should not be left in any way that you [the practicing lawyer] have a distinct relationship relative to the practice of law with such a [suspended or disbarred] lawyer." See also EC 2-11 which cautions that the name of a partner who withdraws from a firm but continues to practice law should be omitted from the firm name in order to avoid misleading the public.

We are of the opinion that the public is likely to be misled about the relationship between the suspended lawyer and his former law firm if the surviving law firm is allowed to show on their letterhead the former name of the law firm.

It follows that it would be inappropriate to show in an ad appearing in the Yellow Pages the former name of a law firm if that former name included the name of the suspended lawyer. Even more so than the letterhead, the ad is more likely to mislead the public into believing that there was some continuing relationship between the suspended lawyer and his former law firm.

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