



**ILLINOIS STATE  
BAR ASSOCIATION**

# **ISBA Advisory Opinion on Professional Conduct**

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**This Opinion was AFFIRMED by the Board of Governors in May 2010. Please see the 2010 Illinois Rules of Professional Conduct 7.1 and 7.5. 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.**

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**Opinion Number 89-6  
October 18, 1989**

Topic: Professional Letterheads

Digest: A new firm may state the name of its predecessor firm on its stationery where there is a continuing line of succession. A firm may not claim a prior affiliation with another existing firm from which some partners in the new firm withdrew several years previously.

Ref: Rule 2-101  
ISBA Opinion Nos. 709, 739, and 84-10  
ABA Informal Opinion 1174

## FACTS

For many years prior to 1976, a law firm had offices in City A, Illinois and in city B, Illinois. In 1976, four lawyers in City B office withdrew from the original firm and organized a new firm called "L, M, N & O" with offices in City B. In January, 1989, the second firm reorganized and changed its name to "L, X, Y & Z, P.C." to reflect the current senior partners. Approximately three years ago, the original firm opened an office in City B under the same name it has used for more than thirty years.

## QUESTION

The new firm ("L, X, Y and Z, P.C.") asks whether it is permissible to state on its letterhead that the firm was formerly known as the "L, M, N & O" firm. Secondly, the new firm asks whether it is permissible on its letterhead that the firm was previously affiliated with the original law firm.

#### OPINION

First, it is not improper for a firm to state on its stationery the former name or names of the firm, with the dates during which such names were used. See Opinion No. 739. Therefore, the newly named firm may properly include on its letterhead the former name ("L, M, N & O") by which it became known after the withdrawal of its lawyers from the original firm.

With regard to the second question, a statement on the new firm's letterhead claiming a previous affiliation with the original firm would, in the Committee's opinion, be improper. In Opinion No., 709 (decided under former Rule 2-102(b), which permitted the use of the name or names of one or more deceased or retired members of the firm or of a predecessor "in a continuing line of succession") the

Committee held that it was proper for a law firm's name to continue the name of a deceased member of the firm if the firm was a bonafide successor of a firm in which the deceased or retired partner was a member, if the use of the name was authorized by law or by contract and if the public was not misled.

Our Opinion No. 84-10 and ABA Informal Opinion 1174 held that a lawyer may not purport to be the successor of another lawyer with whom he was merely associated, but was never a partner. The same reasoning applies to the present inquiry where the two firms always were and still are separate entities with which one or more individual lawyers happened to be affiliated at different points in time.

In the present inquiry, the City B members of the original firm left in 1976 and a new, separate entity was organized in City B by the withdrawing lawyers. There was no "continuing line of succession" between the original firm and the "L, M, N & O" firm organized in 1976, much less the newly organized "L, X, Y & Z, P.C." firm. Although one or more of the individual lawyers who now make up the new entity may have been affiliated with the original firm as individuals prior to 1976, that new firm has never been affiliated with the old firm. To state otherwise would be misleading, contrary to Rule 2-101 and our prior opinions.

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