

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-319
Issued: June 1987

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question: May a firm add to its letterhead the name of a deceased relative who has never practiced with the firm, or the name of a retired or disabled lawyer who has never practiced with the firm?

Answer: No.

References: DR 2-102; KBA Op. E-83 11974); Alabama Op. 85-94 (1985) (name of deceased lawyer after taking over practice); Kansas Op. 83-40 (1983) (same); Illinois Op. 84-10(1984); ABA Informal Op. C-730(1963) (misleading to add name of relative with whom lawyer never practiced).

OPINION

Insofar as the question relates to “taking over another lawyer’s practice”, it was answered in KBA E-83 (1974). The question of adding the names of lawyer relatives was answered in the negative in ABA Informal Opinion C-730.

In light of the more recent opinions from other jurisdictions reaching the same result, as well as the plain language of the Code, we answer the questions in the negative.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.