

KENTUCKY BAR ASSOCIATION

Ethics Opinion KBA E-11

Issued: May 1963

Question: May the name of a deceased partner be retained in a firm name where the date of birth and death of deceased partner is shown?

Answer: Yes

References: Canon 33

OPINION

A and B were partners, practicing under the firm name of A and B. For the past several years, C, D, E and F have been associated with the firm as junior partners. A recently died.

The surviving partner and the junior partners desire to change the firm name to A, B, C, and D. They have requested an opinion as to the propriety of it.

Canon 33 provides that the continued use of the name of a deceased partner is not unethical when permitted by local custom, but care should be taken that no deception is practiced thereby. It is a common practice in many areas to continue the use of the name of a deceased partner. In fact, in some cities, firms are known solely by the names of persons who have long been dead. It is our opinion that the proposed conduct is not improper, provided date of birth and death of deceased partner is shown.

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). Note that the Rule provides: "Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act."