

**ETHICS OPINION NUMBER 48
OF THE MISSISSIPPI BAR
RENDERED MAY 4, 1979
AMENDED APRIL 6, 2013**

FIRM NAME - LETTERHEAD - Continued use of a partnership name subsequent to the dissolution of the partnership with the former partners continuing to practice law.

The Ethics Committee of The Mississippi Bar has been requested to render an opinion on the facts presented under the following hypothetical situation:

Attorneys A and B operated under the partnership name "A and B". There was an amicable dissolution of the partnership with the partners agreeing to continue to cooperate and work together on all matters pending with the partnership as of the day of the dissolution. Each partner, subsequent to the date of the dissolution, has continued the practice of law separately in different offices with only the matters pending at the time of the dissolution of the partnership continuing to be the responsibility of both the partners. However, subsequently despite attorney B's objections, attorney A continued to display the firm name "A and B" at his offices, continued to maintain a bank account in the name of "A and B", continued to use stationery with the firm name "A and B", and answered the telephone at his law office as "A and B". May the partnership name "A and B" continued to be used?

Rule 7.7(a) of the Mississippi Rules of Professional Conduct (MRPC) provides that "[a] lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 7.1" Rule 7.1, MRPC, provides that "[a] lawyer shall not make or permit to be made a false, misleading, deceptive or unfair communication about the lawyer or lawyer's services." Rule 7.7(b), MRPC, provides that "[a] lawyer shall not practice under a trade or fictitious name of a name that is misleading as to the identity of the lawyer or lawyers practicing under such name."

In addition, Rule 1.17, MRPC, provides for the use of firm names after the sale of a law practice and is, therefore, not applicable to the fact situation presented here.

To permit the continued use of a partnership name when in fact the members of the former partnership are separately engaged in the practice of law is misleading.

Therefore, it is the opinion of the Ethics Committee that the partnership name "A and B" under the circumstances set forth in the above hypothetical should not continue to be used subsequent to the date of dissolution of the partnership.