

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

OPINION 87-048

December 18, 1987

[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]

[Not Current- subsequent rule amendments to DR 2-102(B), eff. Dec. 1, 1995, expressing rule in gender neutral language]

SYLLABUS: A judge shall not permit his name to be used on his former law firm's letterhead, professional notices or included in the firm's name.

OPINION: We have before us your request for an informal advisory opinion regarding the use of a judge's name on your law firm's letterhead. In your request you indicate that your father practiced law at your present office location until May of 1983 at which time he became a judge. In November of 1983 you began practicing at the same address and your brother hopes to join your practice this year. You are interested in using your father's name on your letterhead either with or without his title as judge.

Under DR 2-102(B), a lawyer who becomes a judge "shall not permit his name to remain in the name of the firm or to be used in professional notices of the firm" when he is not actively and regularly practicing law for the firm, nor shall "other members of the firm. . . use his name in the firm name or in professional notices of the firm.". Code of Professional Responsibility DR 2-102(B). Therefore, if your father is not actively and regularly practicing law for your firm, his name may not appear on the letterhead either with or without his title as judge.

Furthermore, because you and your father never actually practiced law together, we advise that you do not include his name on your letterhead, even without his title as judge. It is our opinion that including your father's name on your letterhead under such circumstances would be misleading. Id.

In conclusion, it is our opinion, and you are so advised, that you should not use the name of a judge on your letterhead who is not actively and regularly practicing law as a member of your firm.

This is an informal, non-binding advisory opinion, based upon the facts as presented and limited to questions arising under the Code of Judicial Conduct.

James W. Mason, Esq.
Secretary, Board of Commissioners
on Grievances and Discipline

