A prominent law firm has recently been notified that one of its attorneys has been suspended from the practice of law for a period of six (6) months. Does the law firm have an obligation to remove the suspended lawyer from its firm letterhead and if so, in what time frame?

The law firm must immediately remove the suspended lawyer's name from its firm letterhead and continue doing so for so long as the lawyer is not authorized to practice law in the State of Maine. See Maine Rules of Professional Conduct 7.5(a) which states "a lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1." Further, Rule 7.1 clearly states that "a lawyer shall not make a false or misleading communication about a lawyer or the lawyer's services" which in effect "contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading."

Previously, this Commission concluded that continued use of the name of a lawyer suspended from the practice of law is a violation of Maine Bar Rule 3.9. See Maine Professional Ethics Commission, Opinion #132 issued April 12, 1993. At that time, Opinion 132 only referenced ABA Model Rule 7.5(a) because the Maine Bar Rules contained no provision directly addressing the content of a law firm name. Since the Maine Supreme Judicial Court adopted the Maine Rules of Professional Conduct, effective August 1, 2009, and simultaneously abrogated Maine Bar Rule 3, Maine's lawyers are now given explicit guidance with respect to firm names and letterheads. See Maine Rules of Professional Conduct, Rule 7.5 under Reporter's Notes.