

**KENTUCKY BAR ASSOCIATION**  
**Ethics Opinion KBA E-389**  
Issued: March 1996

**Question:** Is it ethical for lawyers to practice under a partnership name - e.g. "Jones & Smith" - if they are not, in fact partners?

**Answer:** No.

**References:** KRPC 7.50(4); DR 2-102(C); KBA E-259 (1982); KBA E-62 (1972); ABA/BNA Law.Man.Prof.Con. 91:206; Charles Wolfram, Modern Legal Ethics 882-883 (1986)

**OPINION**

The cited reference make it clear that the answer to the question has been "No" for many years now, was "No" under the Code, and is "No" under the KRPC. We also note in passing that in addition to being disciplined for violations of KRSPC 7.50(4) and 7.10 (for use of "false, deceptive or misleading" advertising) lawyers may face liability under the doctrine of "partnership by estoppel." However, the latter question is a legal question upon which the Committee cannot opine definitively.

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***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."*