

## **RULE 7.5. FIRM NAMES AND LETTERHEADS.**

March 13, 2003

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers ~~may~~ shall not state or imply that they practice in a partnership, association or other organization ~~only when~~ unless that is the fact.

### **COMMENT:**

[1] A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated by a distinctive website address or comparable professional designation. Although the United States Supreme Court has held that legislation may prohibit the use of trade names in professional practice, use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a deceased partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm.

[2] With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact ~~partners~~ associated with each other in a law firm, may not denominate themselves as, for example, "Smith and Jones," for that title suggests ~~partnership in the practice of~~ that they are practicing law together in a firm.

[3] The addition of the words "and associates" following the name of a lawyer in a firm name implies to the public that three or more lawyers are practicing law together in a firm. In a law firm context "associate" has come to mean a lawyer employed with or connected with a firm who usually is not a partner. "Associates" is not a proper term to use in a firm name to mean nonlawyer assistants such as secretaries, investigators, law student interns, and paraprofessionals. In using a firm name, a solo practitioner shall not use a title such as "Smith and Associates" as a firm name. If only two lawyers are practicing law together in a firm the

singular word "associate" may be used in the firm name with the name of one of the lawyers. If three or more lawyers are practicing law together in a firm the plural word "associates" may be used in the firm name with the name of one of the lawyers."