



Committee on Professional Ethics

Opinion #445 - 11/10/76 (77-76)

Topic: Name of law office

Digest: A private law office may not use the name "Community Law Office".

Code: EC 2-11
DR 2-102(B)

QUESTION

May three lawyers open a law office under the name "Community Law Office"?

OPINION

EC 2-11 provides, in pertinent part:

The name under which a lawyer conduct his practice may be a factor in the selection process. The use of a trade name could mislead laymen concerning the identity, responsibility, and status of those practicing thereunder. Accordingly, a lawyer in private practice should practice only under his own name, the name of a lawyer employing him, a partnership name composed of one or more of the lawyers practicing in a partnership, or, if permitted by law, in the name of a professional legal corporation, which should be clearly designated as such.

DR 2-102(B) provides:

A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more of the lawyers in the firm,...

These provisions of the Code were derived from former Canon 33, which provided in part:

In the selection and use of a firm name, no false, misleading, assumed or trade name should be used.

ABA 318 (1967), a comprehensive opinion on the subject of firm names, reviewed a number of opinions decided under former Canon 33. It referred disapprovingly to the use of "Legal Bureau" (N.Y. City 48 [1926-27]), "Legal Clinic" (N.Y. City 793 [1954]), and "Northern Law Clinic" (ABA Inf. 376), as firm names, presumably on the ground that trade names were inappropriate. The present Code provisions are equally proscriptive of the use of trade names, hence the name "Community Law Office" would be improper.

It is well known that offices staffed by the Legal Aid Society and volunteer lawyers in New York City operate under the name "Community Law Office". Since the term "Community Law Office" connotes an indefinite tie to the community, or to the use of volunteer lawyers to serve

the underprivileged, it also "could mislead laymen concerning the identity, responsibility, and status of those practicing thereunder." The use of such term under the circumstances described by the inquirer would be in contravention of the provisions of EC 2-11 and could not, therefore, be deemed proper.
