



## Committee on Professional Ethics

Opinion 920 (4/26/12)

**Topic:** Law Firm Name

**Digest:** A lawyer may not practice under a law firm name that consists only of the lawyer's initials.

**Rules:** 7.5(b)

### FACTS

1. The inquirer is the only lawyer and only employee of a new law firm. Since the lawyer believes that his last name is long [John Doesmith-Roesmith], he wishes to call the law firm by his initials [JDR Law].

### QUESTION

2. Can a lawyer ethically practice under a law firm name that consists only of the lawyer's initials?

### OPINION

3. Rule 7.5(b) of the New York Rules of Professional Conduct provides that a "lawyer in private practice shall not practice under a trade name. . ." This rule serves to protect the public from being deceived as to the identity, responsibility or status of those who use the firm name. *See* N.Y. State 732 (2000) (applying trade name prohibition in former Code of Professional Responsibility).

4. In N.Y. State 740 (2001) the Committee opined that "[u]sing a name that is not the legal name of one or more partners or former partners in the law firm constitutes the use of a trade name" within the meaning of the prohibition in the Code of Professional Responsibility. As the Committee noted in N.Y. State 869 (2011):

"The prohibition against trade names is broad, permitting use of little beyond the names of lawyers presently or previously associated with the firm. As an indication of this breadth, other parts of Rule 7.5(b) create exceptions allowing a firm name to include the names of deceased or retired partners or requiring firms to add terms such as 'PC,' 'LLC,' or 'LLP' only in specified circumstances, suggesting that absent those circumstances, such names or terms might create impermissible trade names."

In N.Y. State 861 (2011) the Committee opined that the New York office of an out-of-state firm could not use the firm name XYZ Firm where X, Y, and Z were the first letters of the firm's practice areas even if the firm name was ethical in the other state.

5. Because the lawyer's initials do not constitute the lawyer's legal name, they would constitute a trade name, and therefore the lawyer is prohibited from practicing under that name. *Accord* Arizona Opinion 91-09 (1991).

6. We note, however, that language or a name that is impermissible as a trade name may be permissible as a firm "motto." *See In re von Wiegen*, 63 N.Y.2d 163, 176-77 (1984) (finding that "The Country Lawyer" used underneath the firm name was a permissible motto rather than an impermissible trade name); N.Y. State 636 (1992) (permitting the name "The Will Store" as a motto in conjunction with the name or names of one or more lawyer principals but not standing alone).

## **CONCLUSION**

7. A lawyer may not practice under a law firm name that consists only of the lawyer's initials.

(26-12)