



**New York State Bar Association
Committee on Professional Ethics**

Opinion 1003 (3/31/14)

Topic: Law Firm Name

Digest: A lawyer who practices under his full name may use a law firm name that includes only the lawyer's middle name initials and last name, without including his first name.

Rules: 7.5(b), (e)

FACTS

1. The inquirer's name is John P.J. Jones (fictional name), which is listed on his stationery, business card, and email signature line. The inquirer states that the primary reason he includes his middle initials is that there are other attorneys by the name John Jones.

2. The inquirer plans to leave his current firm and start a solo practice. He has researched available law firm names, including available domain and business entity names, and has found that there are other attorneys named John Jones and that domain names for that name have been taken.

3. The inquirer has determined that "P.J. Jones Law Offices," "The Law Offices of P.J. Jones," or "P.J. Jones Law" would be the best available options for purposes of a domain name, firm name, and marketing because an attorney search of "P.J. Jones" will then usually lead to him first.

4. The inquirer notes that while he wishes to use one of the above proposed firm names, he still plans to practice using his full name, John P.J. Jones, as he has in the past and presently does.

QUESTION

5. May a lawyer practice under a law firm name that includes only the lawyer's middle name initials and last name, without including his first name?

OPINION

6. Rule 7.5(b) of the New York Rules of Professional Conduct provides, with certain limited exceptions, that 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” As we have noted many times, 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 920 (2012); N.Y. State 732 (2000) (applying trade name prohibition in former Code of Professional Responsibility).

7. In N.Y. State 740 (2001), this 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 language contained in Rule 7.5(b). Therefore, we concluded that a lawyer may not place an advertisement in the Yellow Pages in which the lawyer uses the firm name “A”, or inserts the letter “A” before the firm name, in order to insure favorable placement.

8. In N.Y. State 920, a solo practitioner believed that his last name was too long and inquired whether he could call his law firm by his initials, “[JDR Law].” We concluded that “[b]ecause 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.” Similarly, in N.Y. State 948 (2012), we opined that a law firm name may not include a variant on the lawyer’s name that is created by conjoining the lawyer’s initials with an abbreviation of the lawyer’s surname. We concluded that the first portion of the proposed firm name that included the conjoined and abbreviated form of the lawyer’s name “deviate[d] . . . substantially from the lawyer’s actual name, and in that respect is similar to firm names found impermissible in [our prior] opinions. . . .” N.Y. State 948; *see also* N.Y. County 677 (1990) (firm name may not include first name of one partner and contraction of surname of another partner, as such a name would violate requirement that lawyers practice only under names of lawyers in the firm).

9. In N.Y. State 948 we acknowledged, however, that “[s]ome variations on names may deviate so slightly from the original as not to offend Rule 7.5(b).” *Cf.* N.Y. State 872 (2011) (permissible to use English translation of foreign first name in informal communications, and on business cards and website, if not misleading and if compliant with statutes and court rules). Applying our above precedents, we conclude that the slight name variation proposed by the inquirer here, which maintains his full surname and the initials of two of his three given names and does not add anything to his legal name, does not offend Rule 7.5(b)’s prohibition against the use of trade names. Therefore, the inquirer can drop his first name to formulate a firm name that includes his middle name initials and legal surname. This assumes, however, that the inquirer can ensure that the proposed firm name does not violate the additional prohibition in Rule 7.5(b) against practicing under a firm name that is “misleading as to the identity of the lawyer or lawyers practicing under such name.”

10. As we noted in N.Y State 872, the inquirer must also abide by any statutes, court rules, and judicial guidelines that govern an attorney in these circumstances. *See, e.g.*, Judiciary Law § 468 ("Official registration of attorneys to be kept by the chief administrator of the courts"); Part 118 of the Rules of the Chief Administrator of the Courts ("Registration of Attorneys").

11. With regard to domain names, we note that under Rule 7.5(e) "[a] lawyer or law firm may utilize a domain name for an internet web site that does not include the name of the lawyer or law firm" provided certain conditions are met. As further explained in Cmt. [2] to Rule 7.5, "[a]s long as a law firm's name complies with other Rules, it is always proper for a law firm to use its own name or its initials or some abbreviation or variation of its own name as its domain name."

CONCLUSION

12. A lawyer who practices under his full name may use a law firm name that includes only the lawyer's middle name initials and last name, without including his first name.

(31-13)