



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

**Opinion 1226 (08/10/2021)**

**Topic:** Use of Domain Name Different from Name of Law Firm

**Digest:** An attorney may use a domain name that differs from the name of the law firm under which the attorney practices, provided the domain name and law firm name, separately or combined, are not false, deceptive, or misleading.

**Rules:** 7.5(b) (1)

**FACTS:**

1. In anticipation of opening his own law practice, the inquirer purchased the domain name “JDFamilyLaw.com,” with JD being the attorney’s initials. Although originally intending to practice law under the law firm name “AB Family Law,” the inquirer has decided he wishes to practice under his complete name such as “Law Offices of John Doe” or “John Doe, Attorney at Law.”

**QUESTIONS:**

2. May the inquirer use a domain name for his website and email address that is different from the name the inquirer uses for the law firm?

**OPINION:**

3. The cornerstone of our analysis rests upon whether the use of the proposed law firm name and the different proposed domain name, separately or combined, would be false, deceptive, or misleading to clients or to the public. Effective June 24, 2020, a Joint Order of the Appellate Divisions amended Rule 7.5(b) of the New York Rules of Professional Conduct (the “Rules”) to permit lawyers to practice under a trade name – which had previously been forbidden – as long as the trade name is not false, deceptive, or misleading. In N.Y. State 1207 (2020) and N.Y. State 1217 (2021), we emphasized that the purpose of Rule 7.5(b), even in its amended form, was to protect the public from being deceived or misled as to the identity of lawyers using or practicing under a firm name.

4. As amended effective June 24, 2020, Rule 7.5(b)(1) provides:

(b) (1) A lawyer in private practice shall not practice under:

- (i) a false, deceptive or misleading a trade name;
- (ii) a false, deceptive, or misleading domain name; or
- (iii) a name that is misleading as to the identity of the lawyer or lawyers practicing under such name.

5. Comment [2] to Rule 7.5 elaborates on Rule 7.5(b) by providing:

A lawyer or law firm may not use any name that is false, deceptive, or misleading. It is not false, deceptive, or misleading for a firm to be designated by the names of all or some of its current members or by the names of retired or deceased members where there has been a continuing line of succession in the firm's identity. A lawyer or law firm may practice under a trade name or domain name if it is not false, deceptive, or misleading. A lawyer or law firm also may practice under a distinctive website address, social media username, or comparable professional designation, provided that the name is not false, deceptive, or misleading.

6. Comment [9] to Rule 7.5 specifically notes that "it is proper to practice under the lawyer's or law firm's own name, initials, trade name, domain name, abbreviations, areas of practice, variations of the foregoing, or a combination of those features among other things." Permissible examples of practice names may be found in Comment [10], which approves such names as "AbleBaker Real Estate Lawyers, A&B Real Estate Lawyers, or Dirt Lawyers..." The Comment further suggests permissible descriptive domain names such as [www.realestatelaw.com](http://www.realestatelaw.com) or [www.ablerealestatelaw.com](http://www.ablerealestatelaw.com) or colloquial domain names such as [www.dirtlawyers.com](http://www.dirtlawyers.com)... However: "Neither the trade name nor the domain name may be false, deceptive or misleading." Comment [11].

7. The history of Rule 7.5 also shows that a law firm may practice under a name that differs from its domain name. Before the 2020 amendments, when trade names were still prohibited, Rule 7.5(e) addressed domain names, stating: "A lawyer or law firm may utilize a domain name for an internet website that does not include the name of the lawyer or law firm" provided the website and domain name met certain conditions. One condition, stated in Rule 7.5(e)(2), was that "the lawyer or law firm in no way attempts to engage in the practice of law using the domain name" if the domain name did not include the name of the lawyer or law firm. Comment [2] to former Rule 7.5 gave examples of such domain names, including "[www.ablerealestatelaw.com](http://www.ablerealestatelaw.com)," "[www.realestatelaw.com](http://www.realestatelaw.com)," and "[www.dirtlawyers.com](http://www.dirtlawyers.com)." Since those domain names would have been prohibited trade names under former Rule 7.5(b), a lawyer who chose such a domain name was required to use a different name for the law firm name.

8. The June 2020 amendments to Rule 7.5 eliminated Rule 7.5(e) because under amended Rule 7.5(b) lawyers and firms were permitted to practice under trade names, including practicing under a domain name – but nothing in amended Rule 7.5(b) was intended to mandate that lawyers use the same name for both the law firm name and the domain name, or to prohibit lawyers from using different words for the law firm name and the domain name. A lawyer who chooses a descriptive domain name (such as "[JDFamilyLaw.com](http://JDFamilyLaw.com)") may thus practice under the lawyer's own name (such as "Law Offices of John Doe") as long as neither the law firm name nor the domain name is false, deceptive, or misleading.

9. Here, under Rule 7.5(b) as amended, neither the proposed law firm name nor the proposed domain name is false, misleading, or deceptive. The question is posed therefore whether a lawyer may use a permissible law firm name that differs from a permissible domain name. Is that per se false, deceptive, or misleading? In our view, it is not. Nothing in the Rules prohibits use of a domain name different from the name of the law firm. While one could conceive of circumstances where the differing names might otherwise violate Rule 7.5(b), we

have no basis on the facts presented here to conclude that use of the proposed law firm name combined with the proposed domain name would be false, misleading or deceptive.

## **CONCLUSION**

10. An attorney may use a law firm trade name compliant with these Rules and a different compliant domain name provided the combined use of the two is not false, misleading or deceptive.

(16-21)