

**NEW YORK STATE BAR ASSOCIATION**  
**Professional Ethics Committee Opinion**

OPINION

In N.Y. State 92 (1968), this committee laid down guidelines for signs. DR 2-102 (A)(3) provides that a lawyer shall not use office signs except a dignified sign on or near the door of the office and in the building directory identifying the law office. This committee affirms N.Y. State 92 as applicable under the Code of Professional Responsibility.

The only justified function of a sign is to make it possible for clients and prospective clients to locate easily a previously selected lawyer. The propriety of a sign and its location depend upon the circumstances of each case.

Where a lawyer's office is easily located through its street address, a dignified sign on the building is sufficient. If a sign near the street is not necessary for locating the lawyer, its only purpose is advertising. Under some limited circumstances, a dignified sign near the street is proper. See N.Y. State 92 (1968) relating to rural areas. In a proper case a lawyer's name could appear on an office directory sign which includes substantially all of the occupants of a multi-office building.

Where a sign is properly situated near the street, it would not be proper to have a second sign on the building. See N.Y. State 92.

Opinion #175 - 3/1/71 (26-70)

Topic: Firm Name;  
Out-of-State Members

Digest: Whether the name of out-of-state members may be included in the firm name depends upon the facts of each case.

Code\*: DR 2-102(D)  
EC 2-11, 3-9

QUESTION

May a multi-state law firm use for its New York office a name composed of one or more partners who are not admitted to practice in the State of New York?

OPINION

DR 2-102(D) provides:

"A partnership shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction."

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Partnerships may properly be formed among lawyers admitted to practice in different states, but the name used by such a firm must not be misleading. N.Y. State 144 (1970); N.Y. City 684 (1946); N.Y. City 700 (1946); ABA 316 (1967). Prior to the adoption of the Code it had been repeatedly held that the inclusion in the firm name of one never admitted to practice in New York would be improper. N.Y. City 684 (1946); N.Y. City 698 (1946); N.Y. City 700 (1946); N.Y. City 749 (1950); N.Y. City 786 (1954); N.Y. County 182 (1920); N.Y. County 426 (1954); ABA Inf. 830 (1965); ABA Inf. 1059 (1968); ABA 318 (1967); cf. N.Y. City 721 (1946). One reason for this rule was stated in Drinker, Legal Ethics 205 (1953) as follows:

"The partnership name may not include that of one not locally admitted, despite explanatory statements on the letterhead, shingle, etc., since the name used where no such explanation accompanies it, would imply that all the named partners were locally admitted."

In view of the language of DR 2-102(D), it is the Committee's opinion that a multi-state law firm practicing in New York may use the same name as in other states provided the circumstances are not such as to cause local use of the name to be misleading. Cf. EC 2-11.

At the same time, a multi-state law firm should not be allowed to grant local lawyers the right to use the firm name on a basis analogous to a franchise. A law firm may not license its name. Also, if there is no true partnership relationship with the local lawyer with a real sharing of profits, liabilities and professional responsibility, use of an out-of-state lawyer's name in the firm name would be misleading.

To avoid the danger of franchising and the risk of misleading the public, the Committee is of the opinion that a multi-state law firm may not use in New York a name composed of one or more lawyers not admitted to practice in New York unless the local lawyer is a true partner with a real share in the over-all profits, liabilities and professional responsibilities of the entire firm.

Opinion #176 - 3/1/71 (62-70)

Topic: Conflicting Interests  
Involving Former Attorney  
for School District.

Digest: Former attorney for school  
district may not represent  
citizens group opposed to  
policies of newly-constituted  
school board.

Code\*: DR 9-101(B)  
EC 4-5, 9-3