



## Committee on Professional Ethics

Opinion 928 (8/9/12)

**Topic:** Use of the term “Project” or “Law Center” in the name of a qualified legal assistance organization.

**Digest:** A qualified legal assistance organization can use the terms “Project” and “Law Center” in its name as long as, in the case of the term “Project,” the term is associated with words indicating the organization’s law-related activity.

**Rules:** 1.0(p), 7.5(b)

### FACTS

[1] The inquirer is interested in starting a non-profit legal services organization and has asked if the terms “Project” and “Law Center” could be used in its name.

### QUESTION

[2] The inquirer has asked two related questions:

A: Can the word “Project” be used in the organization’s name, even if the term “legal” or “law” is not?

B: Does the use of the phrase “Law Center” comply with the Rules of Professional Conduct?

### OPINION

[3] This question is governed by Rule 7.5(b) of the New York Rules of Professional Conduct, which provides in part that:

A lawyer in private practice shall not practice under a trade name [or] a name that is misleading as to the identity of the lawyer or lawyers practicing under such name.... Such terms as “legal clinic,” “legal aid,” “legal service office,” “legal assistance office,” “defender office” and the like may be used only by qualified legal assistance organizations, except that the term “legal clinic” may be used by any lawyer or law firm provided the name of a participating lawyer or firm is incorporated therein.

[4] Rule 1.0(p) states that the term “[q]ualified legal assistance organization” means an

office or organization of one of the four types listed in Rule 7.2(b)(1)-(4) that meets all of the

requirements thereof.” The four types, each with its own requirements, include “a legal aid office or public defender office” operated or sponsored by, among others, a bona fide, non-profit community organization, and a “bona fide organization that recommends, furnishes or pays for legal services to its members or beneficiaries.” We will assume that the contemplated organization would comply with relevant aspects of Rule 7.2(b) and so would be a “qualified legal assistance organization.” This opinion does not apply to private law firms that are not “qualified legal assistance organizations,” and they are governed by entirely different considerations.<sup>1</sup>

[5] In our view, a qualified legal assistance organization would be able to use the name “Project,” provided that the name, like all the other terms set forth in Rule 7.5(b), were to indicate in some way the law-related nature of the group’s activity (and provided the name was not otherwise misleading). In *Paskowski v. DiBenedetto*, 184 Misc. 2d 34, 38, 705 N.Y.S.2d 521, 524-25 (Fam. Ct. Rockland Co. 2000), the court found that the term “Domestic Violence Law Project” was “sufficiently similar to the listed terms to be covered by the reference in the Disciplinary Rule [DR 2-102(B), which was identical to current Rule 7.5(b)] to ‘and the like.’” We agree. We do not think that the only permissible ways to indicate the law-related nature of the work are use of the terms “legal” or “law.” One of the terms listed in the Rule is, for example, “defender office.” But in our view a term such as “Poverty Project” would not, without more, be sufficiently similar to the terms listed in Rule 7.5(b) to qualify.

[6] The term “Law Center” can be used by a qualified legal assistance program, provided it is not otherwise misleading, as it is, in our view, similar to terms such as “Legal Clinic” or “Legal Service Office.”

## CONCLUSION

[7] A qualified legal assistance organization may use the term “Project” or “Law Center” in its name, provided that the name is not otherwise misleading and provided, in the case of the term “Project,” that the name otherwise indicates the law-related nature of the group’s activity.

(42-12)

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<sup>1</sup> See, e.g., N.Y. State 740 (2001) (“Using a name that is not the legal name of one or more partners or former partners in the law firm constitutes use of a trade name”); N.Y. State 732 (2000) (use of X Group was permissible, where X was the name of the attorney in the firm and the firm included a number of associates); N.Y. State 445 (1976) (“Community Law Office” would be unacceptably misleading for a private law office).