



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

Opinion 1017 (8/6/2014)

Topic: Firm Name; Trade Name

Digest: A law firm’s staff may answer the firm’s telephones using the first initials of the last names of the named partners. Such limited use of the initials would not be practice under a trade name and would not violate Rule 7.5(b) as long as the firm will not practice law using those initials. The name of the little league team sponsored by the inquirer’s firm could be the first initials of the named partners’ last names; such a designation would not constitute practice under a trade name.

Rules: 7.5(b), 7.5(e)

FACTS

1. For ease of answering phones, the inquirer would like to have the office staff answer the phones stating “ABC Law Firm.” “ABC” represents the first initials of the last names of the named partners and would be for the limited purpose of answering the phones.

2. The inquirer also indicates that the firm would like to sponsor a little league team with the name “ABC Law Firm” and ABC would again represent the first initials of the last names of the named partners.

QUESTION

3. Is the proposed conduct ethically permissible?

OPINION

4. Rule 7.5(b) of the New York Rules of Professional Conduct (the “Rules”) is relevant to answer the first question as it governs law firm names and the restrictions involved. Specifically, Rule 7.5(b) states in pertinent part:

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, except that by the name of a professional corporation shall contain “PC” or such symbols permitted by law, the name of a limited liability company or partnership shall contain “LLC,” “LLP” or such symbols permitted by law...

In N.Y. State 740 (2001), the Committee concluded that “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.” The prohibition against practice under trade names is broad and Rule 7.5(b) 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) (citing N.Y. State 732 (2000), which applied the trade name prohibition under the former Code of Professional Responsibility).

5. Rule 7.5(e)(2) states that “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: the lawyer or law firm in no way attempts to engage in the practice of law using the domain name.” Comment [2] to Rule 7.5(e) states that “as long as a 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.”

6. In N.Y. State 872 (2011), we opined on the question of whether a lawyer with a Polish first name could use an English version of that name on business cards and his firm’s website. We concluded that “a lawyer’s use of an English name [in informal communications, on business cards and on his firm’s website] is not misleading as to the identity of the lawyer and is not dishonest, fraudulent, deceitful, or a misrepresentation.” Accordingly, it “does not run afoul of either Rule 7.5(b) or Rule 8.4(c).” We also stated that the attorney could use a “nickname by which the attorney is commonly known, as long as the name is not misleading as to the lawyer’s identity.”

7. In N.Y. State 1003 (2014), we concluded that 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.

8. In the instant inquiry, the law firm does not want to change its name or practice under a different name. The law firm merely wants to use the named partners’ initials for the limited purpose of answering the phones. The proposed use of the initials as a greeting to answer the phones is similar to the use of a nickname or English name in “informal communications” by the lawyer in N.Y. State 872. Neither the use of the nickname nor the use of the initials to answer the phone (as in the instant inquiry) would be used by the respective attorneys to practice law. We conclude that the use of the partners’ initials when answering the telephones does not constitute practicing under a trade name, and does not misrepresent the identities of the lawyers. Therefore, the proposed limited use would not violate Rule 7.5(b). In addition, the sponsorship of a little league baseball team named after the initials of the named partners’ last names, to wit, ABC Law Firm, would not constitute practice under a trade name, is not misleading as to the identities of the attorneys and is permissible under the applicable Ethics Rules.

9. In N.Y. State 920 (2012), this Committee concluded that a lawyer may not practice under a law firm name that consists only of the lawyer’s initials, but that the initials could constitute the firm’s motto. We also stated that “[l]anguage or a name that is impermissible as a trade name may be permissible as a firm ‘motto’” Here, the law firm does not intend to practice under the firm name ABC Law Firm, but rather intends to utilize the initials as a matter of convenience for

the limited purpose of answering the phones. The firm name will remain the complete last names of the three named partners.

CONCLUSION

10. A law firm's staff may answer the firm's telephones using the first initials of the last names of the named partners. Such limited use of the initials, without more, would not be practice under a trade name and would not violate Rule 7.5(b) as long as the firm will not practice law using those initials.

11. For the same reason, the name of the little league team sponsored by the inquirer's firm could be the initials of the named partners' last names.

(11-14)