

ETHICS ADVISORY PANEL
Opinion #92-95, Request #325
Issued March 31, 1993

An attorney requests an advisory opinion regarding the propriety of displaying a sign on the law firm's premises which uses the law firm's initials to describe a real estate equity title department of that firm. The attorney states that because the law firm has outgrown its present building the firm acquired additional space in another building which would house the real estate equity title section of the law office. The firm would like to differentiate between the departments by using the first letter from each law partner's name as the name of the equity title department and place this sign at the entrance. In addition, the attorney would like to place this new name and address on the law firm's letterhead. Thus, the new building and letterhead would be adorned with the name "ABC Equity Title Group". The name of the law firm would not appear on either the building or letterhead.

The Panel believes that Rule 7.1 entitled "Communications Concerning a Lawyer's Services" should be addressed. The Rule states that:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false and misleading if it;

(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;

Rule 7.5 entitled "Firm Names and Letterheads" states that:

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal organization and is not otherwise in violation of Rule 7.1.

The Panel believes that the name for the "equity title department" is misleading and confusing to the public. The Panel also does not understand why the law firm must use a different name.

The Panel's guidance is restricted to interpretations of the Rules of Professional Conduct and does not extend to issues under the State Ethics Code or any other rules, regulations or laws that may have bearing on the issues raised by this inquiry.