

FINAL

ETHICS ADVISORY PANEL  
OPINION # 95-37, REQUEST # 605  
ISSUED - SEPTEMBER 14, 1995

The inquiring attorney seeks to form a professional legal corporation that would provide low cost legal services for divorce and bankruptcy clients. The proposed name includes mention of a specific geographic area of Rhode Island and the terms "legal clinic." The inquiring attorney asks if such name could be used without including the name of a specific practicing attorney.

The Rule invoked by this inquiry is Rule 7.5 entitled "Firm Names and Letterhead" which states:

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violated 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 services organization and is not otherwise in violation of rule 7.1.

The comments that follow the Rule explain in more detail the use of a trade name.

A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm's identity or by a trade name such as the "ABC Legal Clinic." Although the United States Supreme Court has held that legislation may prohibit the use of trade names in professional practice, use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication.

The comments state that a private law firm which chooses to use a trade name that includes a geographical name should use a disclaimer to inform the public that it is not a public legal aid agency. The Panel opines that the proposed name for the law firm is misleading to the public. If the law firm uses this proposed name an express disclaimer must be used.