2019

Selected New York Ethics Opinions Related to Firm Names, Letterhead, Business Cards

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NYSBA Ethics Opinion 1138 [11/8/2017] Rules 7.5(b), 8.4(c) firm name
Use of English lawyer translation of lawyer's surname in law firm name. A lawyer in solo practice, admitted under his given [foreign] surname may not use the English language translation of that name in his firm's name. The two versions of his name are very different and so could be misleading, suggesting two lawyers in the practice.

NYSBA Ethics Opinion 1137 [10/23/2017] Rules 1.10(a), 7.5(a) & (b), 8.4(c) firm name, of counsel relationship
"A law firm with one principal and two 'of counsel' lawyers may call itself 'A & Associates' as long as the 'of counsel' meet the test for the designation 'of counsel' which requires a close continuing and personal relationship with the firm."

NYSBA Ethics Opinion 1023 [9/26/2014] Rules 7.5(b), 8.5(a)(b) firm name, trade name
"A lawyer admitted solely in NY, where lawyers are prohibited from practicing under trade names, may not be of counsel to an out-of-state firm that is practicing under a trade name."

NYSBA Ethics Opinion 1017 [8/6/2014] Rules 7.5(b)(e) firm name, trade name
"A law firm's staff may answer their phones using the first initials of the last names of the named partners." They see it as a matter of convenience. The firm's name does not consist of initials.

NYSBA Ethics Opinion 1003 [3/31/2014] Rule 7.5(b)€ firm name
A lawyer could use just his middle initials and last name as the firm name because it was not misleading even though the lawyer practiced under his full name in order to differentiate himself from other lawyers with the same first and last name.

NYSBA Ethics Opinion 869 {2011] Rule 7.5(b) firm name
"the prohibition against trade names is broad. . . . "firm names may not include a variant on the lawyer's name created by conjoining the lawyer's initials with an abbreviation of the lawyer's surname because the proposed firm name deviated substantially from the lawyer's actual name and was therefore impermissible."

NYSBA Ethics Opinion 948 [2012] Rule 7.5(b) firm name
"A lawyer may not use AbDoe Law as the firm name for a lawyer enrolled as Ann-Bonnie Doe." "A law firm name may not include a variant on the lawyer's name that is created by conjoining the lawyer's initials with an abbreviation of the lawyer's surname." This form of her name would be a trade name.

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NYSBA Ethics Opinion 920 [4/26/2012] Rule 7.5(b)(e) firm name
A solo lawyer wanted to use his initials as the law firm's name because he thought that his last name was too long. He cannot because his initials do not constitute his legal name so they would be the equivalent of a trade name.

NYSBA Ethics Opinion 861 [4/28/2011] Rules 5.4, 7.5(b), 8.5 firm name
"The NY office of a law firm may not ethically operate under a trade name. . . . A lawyer admitted in NY and another jurisdiction that permits a law firm to practice under a trade name may be of counsel to a firm with a trade name"

NYSBA Ethics Opinion 740 [2001] Rule 7.5(b) firm name and ownership of the NY office of a law firm
"Using a name that is not the legal name of one or more of partners or former partners in the law firm constitutes use of a trade name."

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Selected New York Ethics Opinions Related to Firm Names on Letterhead

NYSBA Ethics Opinion 1030 [10/30/2014] Rule 7.5(b), 8.4(c) letterhead
When you change a firm name by adding a new partner to its name, you can continue to use the old letterhead until it runs out.

NYSBA Ethics Opinion 1028 [10/24/2014] Rules 7.1, 7.5(a)(b) firm name, letterhead, business cards
If a law firm is a professional corporation or other similar designation, its name must include that designation. Regarding identification of the role of a lawyer: it is not necessary to do so on a business card and personalized letterhead. It is also not necessary to use the designation 'lawyer' or 'esquire' if the name of the law firm is on the card." If letterhead lists both partners and associates, it must distinguish between them.

NYCLA Ethics Opinion 740 [10/7/2008] D.R. 104(A); EC 213, DR2102(C) us of the title 'partner'
"When can a lawyer and his law firm use the title 'partner' in dealing with clients and the public?"
"{[A]ttorneys holding themselves out to the public as partners, and the law firms in which they practice, [must] be in fact partners under the NY partnership law and their individual partnership agreements."

NYCBA Ethics Opinion 2000-4 DR2101, DR2-102, DR5105 listing 'affiliated' on letterhead
"An attorney or law firm may permit the name of another firm to appear on its letterhead together with the descriptive term' affiliated' or 'affiliate' if the relationship between the attorney/firm and the 'affiliated' firm is 'close and regular, continuing and semi-permanent' (the equivalent of an of counsel relationship); 'affiliated' attorneys much consider themselves as one unit for conflict clearing purposes."

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NYSBA Ethics Opinion 1147 [3/23/2019] Rules 5.5, 7.5(a)(d), 8.4(b)(c) business cards
Use of Esq. on business cards for a lawyer admitted in CA, not NY. Lawyer wants to use Esq. after his name on his business cards. He works in NYC for a municipal agency but not as a lawyer, and he practice immigration law pro bono. He can use Esq. on his cards in connection with nonlegal business and may be known as a lawyer in his pro bono immigration work as long as his jurisdictional and practice limitations are known.

NYSBA Ethics Opinion 943 [11/2/12] Rules 5.3, 7.1(a), 8.4(c) business card
A law school graduate not admitted to practice law who works as an account manager at a law firm may not list his J.D. degree or use the title "legal project manager" on his law firm business card without making it clear that he is not admitted to practice law.

NYSBA Ethics Opinion 932 [9/7/12] Rules 7.5(a)(i), 5.4, 7.2, 7.1(c)3) business card, recommendation of service providers
A lawyer may have his photo on his business card and may recommend other services providers as long as he adds a disclaimer "making it clear that the lawyer does not have an agreement with those on the list."

NYSBA Ethics Opinion 872 [6/3/2011] 7.5(b, 8.4(c) business cards, website, informal communications
The attorney wanted to use the English version of his Polish first name in informal communications. "For purposes of business cards, informal communications, and a law firm website, an attorney may, under the New York Rules of Professional Conduct, use a different first name from the one the attorney listed on the Roll of Attorneys as long as the name used is not misleading as to the attorney's identify."

NYSBA Ethics Opinion 863 [5/10/11] Rule 7.5(b) business cards, letterhead
An attorney not admitted in NY "must note on letterhead and business cards that the lawyer is admitted to practice only in the state of admission, and that the lawyer's practice in NYS is limited solely to immigration matters."

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