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9 **IN THE SUPREME COURT**
10 **STATE OF ARIZONA**

11 PETITION FOR AMENDMENT OF
12 RULE 42, ARIZONA RULES OF THE
13 SUPREME COURT, RULE OF
14 PROFESSIONAL CONDUCT 7.5(a)

Supreme Court No. R-11-0046

**Comment of the State Bar of
Arizona Regarding Petition to
Amend Rule 42, Arizona Rules
of the Supreme Court, Rule of
Professional Conduct 7.5(a)**

15 The State Bar of Arizona agrees with the petitioner that Rule 7.5(a) of the
16 Arizona Rules of Professional Conduct, which prohibits the use of trade names in
17 private legal practice, should be replaced with ABA Model Rule 7.5(a), which
18 restricts the use of a trade name only if it is false or misleading. Support for a total
19 ban on trade names has diminished nationally over the last few decades, as most
20 jurisdictions now follow the Model Rule or its equivalent. Moreover, the State Bar
21 is concerned that a complete ban on use of trade names by Arizona lawyers could
22 be judicially construed as an overbroad impediment on commercial speech under
23 the First Amendment. This occurred with Arizona's prior ban on lawyer advertising
24 and could occur again, especially in light of other existing Arizona ethical rules that
25 would bar the use of a trade name if it is false or misleading. In contrast to the
26 current rule, Model Rule 7.5(a) appears to strike a better balance between the

1 deceased or retired members where there has been a continuing succession in the
2 firm's identity." ER 7.5 cmt. 1.

3 In 2003, the Court adopted sweeping changes to the Ethical Rules but did not
4 amend ER 7.5(a) to conform with the Model Rule. The Court adopted the 2003
5 rule changes after an extensive review conducted by the State Bar's Ethical Rules
6 Review Group ("ERRG"), which was charged with reviewing all of the Model Rule
7 amendments that the American Bar Association had adopted as part of a lengthy
8 and extensive process known as "Ethics 2000." The ERRG did not propose
9 changing Arizona's version of ER 7.5(a) to conform to the Model Rule. Therefore,
10 such a change was not explicitly before the Court for consideration in 2003. Unlike
11 in 1985, when the Court *rejected* adoption of Model Rule 7.5(a), it appears that the
12 Court did not consider such a change in 2003.

13 The State Bar is not aware of any written statement by the Court at any time
14 setting forth the rationale for a global ban on use of trade names by Arizona
15 lawyers.

16 **II. Experiences of Other Jurisdictions and the Rationale for the Rule.**

17 For many years, Arizona's general ban on the use of trade names by lawyers
18 was consistent with most, if not all, other jurisdictions. Now, however, Arizona is
19 one of only seven jurisdictions that still have such a ban.¹ Jurisdictions that have
20 moved away from the ban generally protect consumers through application of
21 Model Rule 7.1 (adopted in Arizona in ER 7.1), which provides that "[a] lawyer
22 shall not make or knowingly permit to be made on the lawyer's behalf a false or
23 misleading communication about the lawyer's services." The legitimate
24 governmental interest of protecting consumers of legal services is promoted in these
25 jurisdictions through application of this standard to trade names on a case-by-case

26 ¹ Apart from Arizona, the use of trade names is currently prohibited by rule or judicial
decision in Iowa, Kentucky, Mississippi, New York, Ohio and Texas. See Appendix A.

1 basis without an overarching *per se* ban on trade names that also encompasses trade
2 names that are neither false nor misleading.

3 As more states have adopted Model Rule 7.5(a) over the last few decades, it
4 has become harder to justify a total ban on the use of trade names. Traditionally,
5 the ban was justified on the ground that the use of a trade name is “undignified” and
6 undermines the bar’s professionalism. See 2 G. HAZARD, W. HODES & P. JARVIS,
7 THE LAW OF LAWYERING § 59.5 at 59-6 (3d ed. Supp. 2008). That same rationale,
8 however, was used to justify the blanket ban on lawyer advertising that existed in
9 the 1970s but was rejected by United States Supreme Court in ruling that Arizona’s
10 restrictions on lawyer advertising violated the First Amendment. See *Bates v. State*
11 *Bar of Arizona*, 433 U.S. 350, 368 (1977) (“[W]e find the postulated connection
12 between advertising and the erosion of true professionalism to be strained.”).

13 The ban on trade names also has been justified on the ground that they can
14 mislead the public. That concern is certainly legitimate, as a trade name can be
15 used to implicitly represent (among other things) that a lawyer or firm has expertise
16 it does not possess or can produce results that no lawyer can fairly guarantee. But
17 that rationale does not warrant a ban on the use of trade names in *all* circumstances.
18 For example, it is hard to argue that a trade name is likely to be misleading if it
19 merely identifies the location of a lawyer’s practice or the type of law that the
20 lawyer practices. And ER 7.1, which Model Rule 7.5(a) incorporates, bars any form
21 of advertising (including advertising through the use of a trade name) if it is “false
22 or misleading” about “the lawyer or the lawyer’s services.” The Model Rule also
23 imposes categorical restrictions on certain types of trade names most likely to
24 mislead consumers, prohibiting the use of a trade name if it implicitly represents
25 that the lawyer or firm is affiliated with the government or “a public or charitable
26 legal services organization.” Model Rule 7.5(a).

1 The ban on trade names has also sometimes been justified on the ground that
2 it is necessary to keep the public from being misled as to who owns a firm. But if
3 that is the rationale, the total ban on trade names in ER 7.5(a) only imperfectly
4 furthers that purpose, as comment 1 to the rule explicitly allows a firm name to
5 contain the names of formerly affiliated lawyers who are deceased or retired.
6 ER 7.5 cmt. 1. Moreover, even if Model Rule 7.5(a) were adopted, ER 7.5(d)
7 (which is identical to Model Rule 7.5(d)) would still provide that “[I]awyers may
8 state or imply that they practice in a partnership or other organization only when
9 that is the fact,” which would preclude the use of a trade name incorporating the
10 name of a still-active lawyer who does not practice law in the firm.

11 Lastly, the State Bar is aware of nothing from the experience of the states
12 which have adopted Model Rule 7.5(a) to suggest that removing the blanket ban on
13 trade names results in harm to consumers. As the petition notes (at 4), a substantial
14 majority of the states have adopted the Model Rule;² and there does not appear to
15 be a groundswell of support in those jurisdictions for reverting back to the former
16 rule banning trade names. Nor has the rule given rise to significant disputes over
17 how it should be interpreted. Indeed, the leading treatises indicate that relatively
18 few interpretative disputes have arisen under the rule and, to the extent they have
19 occurred, they have generated a small, but useful, body of ethics opinions and case
20 law providing guidance as to what types of trade names are permissible under the
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23 ² As is shown in Appendix A, thirty-five jurisdictions have adopted or incorporated Model
24 Rule 7.5(a) into their rules of professional conduct. California, which has its own set of ethics
25 rules that are structured differently from the Model Rules, also permits the use of a trade name so
26 long as it is not false or misleading. Cal. Rules of Prof'l Conduct, Rules 1-400(D)(1) & (2).
Eight other states permit the use of trade names but impose restrictions or requirements beyond
those required under Model Rule 7.5(a). See Appendix A. For the Court's reference, Appendix
B sets forth the ethical rules for each state and the District of Columbia regarding the use of trade
names in the practice of law.

1 rule. See LAWS. MAN. ON PROF. CONDUCT (ABA/BNA) 81:3006 (collecting cases
2 and ethics opinions).

3 **III. Concern About the Inadvertent Effects of the Current Rule.**

4 The State Bar concurs with petitioner that the current rule inadvertently may
5 cause consumer confusion instead of protecting against it. At the very least, the
6 current rule could deprive consumers of information they may wish to consider in
7 retaining a lawyer. Out-of-state law firms are increasingly locating offices in
8 Arizona, and some of those firms employ trade names that are allowed in their
9 home jurisdictions. To comply with ER 7.5(a), they are forced to abandon the use
10 of their firm names and replace them with names that comply with the Arizona rule.
11 That can be confusing to the public, which otherwise may not be aware of a local
12 office's affiliation with an out-of-state firm. Moreover, to the extent that a firm's
13 desired trade name would truthfully identify the firm's geographic location or area
14 of practice, depriving a firm of the right to use such a name deprives a consumer of
15 a potentially useful way of identifying a firm that may be able to address the
16 particular legal problem that the consumer may have.

17 **IV. Constitutional Concerns.**

18 The State Bar also is concerned about the constitutionality of the current
19 version of ER 7.5(a). As the petition notes (at 4), trade names are deemed to be
20 protected "commercial speech" under the First Amendment. A state may regulate
21 "commercial speech," but only if the regulation serves a "substantial" state interest,
22 "directly advances" that interest, and is "not more extensive than is necessary to
23 serve that interest." *Central Hudson Gas & Elec. Corp. v. Public Service Comm'n.*
24 *of N.Y.*, 447 U.S. 557, 566 (1980). Under this standard, it is constitutionally
25 permissible to restrict (or even prohibit) the use of trade names if evidence exists
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1 that it is necessary to prevent consumers from being misled about the quality or
2 source of services being marketed under a trade name.

3 Thus, in *Friedman v. Rogers*, 440 U.S. 1 (1979), the Supreme Court upheld a
4 Texas law banning the use of trade names in the practice of optometry. Key to the
5 decision was the Court's finding that "[t]he concerns of the Texas Legislature about
6 the deceptive and misleading uses of optometrical trade names were not speculative
7 or hypothetical, but were based on experience in Texas with which the legislature
8 was familiar" when it enacted the ban. *Id.* at 9; *see also In re R.M.J.*, 455 U.S. 191,
9 202 (1982) (the restriction on trade names in *Friedman* was permissible
10 "particularly in view of the considerable history in Texas of deception and abuse
11 worked upon the consuming public through the use of trade names").

12 In contrast, evidence of past or potential trade name abuse in Arizona is
13 slight. Arguably, this is because there has been a ban on trade name use in the state
14 for decades and, as such, there is no pre-rule history of trade name abuse, as was
15 found in *Friedman*. As noted above, however, there also is no evidence that trade
16 name abuse has become prevalent in the states that have adopted the Model Rule,
17 nor is there evidence from those jurisdictions that consumers have experienced
18 increased confusion as a result of trade name use. It also can be questioned whether
19 a blanket ban on trade names "substantially advances" Arizona's interest in
20 preventing deceptive and misleading practices beyond the protection already
21 afforded by ER 7.1. The experience of the states that have adopted the Model Rule
22 also suggests that a blanket ban on trade names may be "more extensive than
23 necessary" to serve that interest.

24 That ER 7.5(a)'s constitutionality is more than an abstract concern is
25 illustrated by *Michel v. Bare*, 230 F. Supp. 2d 1147 (D. Nev. 2002), where a
26 Nevada Supreme Court rule prohibiting the use of trade names in private legal

1 practice was held to violate the First Amendment. Among other things, the court
2 ruled that the state bar had failed to establish a link between the trade name ban and
3 evidence that the ban was intended to address an actual problem. *Id.* at 1151. It
4 also ruled that “[a] blanket restriction on the use of trade names, beyond the
5 existing Rule and Statute which already restrict false, deceptive, and misleading
6 trade names, is more restrictive than necessary.” *Id.* at 1155. Although it is
7 possible that a court might reach a different result with respect to Arizona’s rule,
8 the decision in *Michel* suggests, at a minimum, that a court might hold that
9 Arizona’s blanket ban on trade names suffers from the same constitutional
10 infirmities.

11 **V. If the Current Rule is Replaced with Model Rule 7.5(a), Comment 1**
12 **to the Current Rule Should be Replaced with a Modified Version of**
13 **the Comment to the Model Rule.**

14 If the Court is inclined to adopt Model Rule 7.5(a) in lieu of the current rule,
15 it also should replace comment 1 to the current rule, which states (among other
16 things) that “[t]rade names should not be used.” ER 7.5 cmt. 1. In its place, the
17 State Bar recommends the adoption of comment 1 to the Model Rule, which
18 provides a clear explanation of the rule and has been adopted by most of the states
19 that now follow the rule. For the Court’s consideration, Appendix C contains a
20 proposed revision to the comment.

21 Two changes were made to conform the comment to other parts of the
22 current comment that would be unaffected by the rule change:

23 (a) references to the use of the name of a deceased firm member
24 in the name of the firm also would include names of “retired”
25 members, as it now appears in the current comment; and

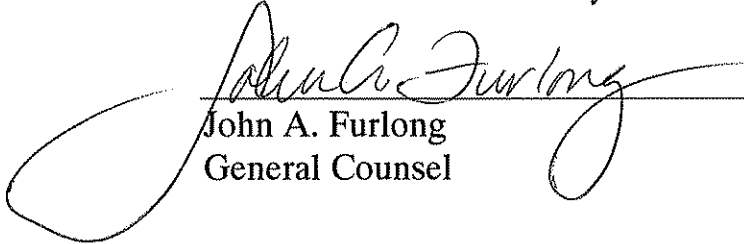
26 (b) the reference to the use of a “distinctive website address”
would be qualified by the clause “that complies with ER 7.1,” similar
to the language now appearing in the current comment.

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CONCLUSION

In sum, the State Bar of Arizona agrees with the petitioner that Model Rule 7.5(a) provides sufficient consumer protection without imposing a blanket ban that arguably impedes on protected commercial speech of Arizona lawyers. As such, the State Bar respectfully requests that this Court adopt the petitioner's proposed rule change. Additionally, it requests that the Court replace comment 1 to ER 7.5 with the proposed comment appearing in Appendix C.

RESPECTFULLY SUBMITTED this 14th day of May, 2012.



John A. Furlong
General Counsel

Electronic copy filed with the Clerk of the Supreme Court of Arizona this 14th day of May, 2012,

by: Kathleen A. Lundgren

APPENDIX A

**OTHER STATES' ETHICAL RULES
REGARDING THE USE OF TRADE NAMES**

Other Jurisdictions Prohibiting Trade Names (6 total)	Other Jurisdictions Adopting or Incorporating Model Rule 7.5(a) and Not Imposing Additional Restrictions (35 total plus California)	Other Jurisdictions Permitting Trade Names But Imposing Restrictions Beyond Model Rule 7.5(a) (8 total)
Iowa, Kentucky (by judicial decision), Mississippi, New York, Ohio, Texas	Alabama, Alaska, Arkansas, California ¹ , Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming	Florida, Georgia, Illinois, Indiana, Louisiana, Nebraska, New Jersey, North Carolina

¹ California's ethical rules do not follow the structure and format of the Model Rules, but its rules permit the use of a trade name so long as it is not false or misleading. See Cal. Rules of Prof'l Conduct, Rule 1-400(D)(1)(1) & (2).

APPENDIX B

**OTHER STATES' ETHICAL RULES
REGARDING THE USE OF TRADE NAMES**

Alabama Rules of Professional Conduct *[follows Model Rule 7.5(a)]*

Rule 7.5. Firm Names and Letterheads

(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 organization and is not otherwise in violation of Rule 7.1 or Rule 7.4.

(b) A law firm with offices in another jurisdiction may use in Alabama the name it uses in the other jurisdiction, provided the use of that name would comply with these rules. A firm with any lawyers not licensed to practice in Alabama must, if such lawyer's name appears on the firm's letterhead, state that the lawyer is not licensed to practice in Alabama.

(c) A lawyer or law firm may indicate on any letterhead or other communication permitted by these rules other jurisdictions in which the lawyer or the members or associates of the law firm are admitted to practice.

(d) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not practicing with the firm.

Alaska Rules of Professional Conduct *[follows Model Rule 7.5(a)]*

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers shall not state or imply that they practice in a partnership or other organization unless the relationship stated or implied in fact exists.

(e) The term “of counsel” shall be used only to refer to a lawyer who has a close continuing relationship with the firm.

(f) The term “professional designation” as used in this rule includes a website address or other electronic reference used to identify the law firm.

**Arkansas Disciplinary Rules of Professional Conduct [follows
Model Rule 7.5(a)]**

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any

substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers shall not state or imply that they practice in a partnership, association or other organization unless that is the fact.

California Rules of Professional Conduct *[does not follow Model Rule 7.5(a), but permits trade names that are not false or misleading]*

Rule 1-400. Advertising and Solicitation.

(A) For purposes of this rule, “**communication**” means any message or offer made by or on behalf of a member concerning the availability for professional employment of a member or a law firm directed to any former, present, or prospective client, including but not limited to the following:

(1) Any use of firm name, trade name, fictitious name, or other professional designation of such member or law firm; or

(2) Any stationery, letterhead, business card, sign, brochure, or other comparable written material describing such member, law firm, or lawyers; or

(3) Any advertisement (regardless of medium) of such member or law firm directed to the general public or any substantial portion thereof; or

(4) Any unsolicited correspondence from a member or law firm directed to any person or entity.

(B) For purposes of this rule, a “**solicitation**” means any communication:

(1) Concerning the availability for professional employment of a member or a law firm in which a significant motive is pecuniary gain; and

(2) Which is;

(a) delivered in person or by telephone, or

(b) directed by any means to a person known to the sender to be represented by counsel in a matter which is a subject of the communication.

(C) A solicitation shall not be made by or on behalf of a member or law firm to a prospective client with whom the member or law firm has no family or prior professional relationship, unless the solicitation is protected from abridgment by the Constitution of the United States or by the Constitution of the State of California. A solicitation to a former or present client in the discharge of a member's or law firm's professional duties is not prohibited.

(D) A communication or a solicitation (as defined herein) shall not:

(1) Contain any untrue statement; or

(2) Contain any matter, or present or arrange any matter in a manner or format which is false, deceptive, or which tends to confuse, deceive, or mislead the public; or

(3) Omit to state any fact necessary to make the statements made, in the light of circumstances under which they are made, not misleading to the public; or

(4) Fail to indicate clearly, expressly, or by context, that it is a communication or solicitation, as the case may be; or

(5) Be transmitted in any manner which involves intrusion, coercion, duress, compulsion, intimidation, threats, or vexatious or harassing conduct.

(6) State that a member is a "certified specialist" unless the member holds a current certificate as a specialist issued by the California Board of Legal Specialization pursuant to a plan for specialization approved by the Supreme Court.

(E) The Board of Governors of the State Bar shall formulate and adopt standards as to communications which will be presumed to violate this rule 1-400. The standards shall only be used as presumptions affecting the burden of proof in disciplinary proceedings involving alleged violations of these rules. "Presumption affecting the burden of proof" means that presumption defined in

Evidence Code sections 605 and 606. Such standards formulated and adopted by the Board, as from time to time amended, shall be effective and binding on all members.

(F) A member shall retain for two years a true and correct copy or recording of any communication made by written or electronic media. Upon written request, the member shall make any such copy or recording available to the State Bar, and, if requested, shall provide to the State Bar evidence to support any factual or objective claim contained in the communication.

Colorado Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Connecticut Rules of Professional Conduct *[follows Model Rule 7.5(a)]*

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Delaware Rules of Professional Conduct *[follows Model Rule 7.5(a)]*

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the

jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

District of Columbia Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Florida Rules of Professional Conduct for Lawyers [incorporates slightly modified version of Model Rule 7.5(a), but imposes additional requirement regarding use]

Rule 4-7.10: Firm Names and Letterhead

(a) False, Misleading, or Deceptive. A lawyer shall not use a firm name, letterhead, or other professional designation that violates subdivision (b)(1) of rule 4-7.2.

(b) Trade Names. A lawyer may practice under a trade name if the name is not deceptive and does not imply a connection with a government agency or with a public or charitable legal services organization, does not imply that the firm is something other than a private law firm, and is not otherwise in violation of subdivision (b)(1) of rule 4-7.2. A lawyer in private practice may use the term “legal clinic” or “legal services” in conjunction with the lawyer’s own name if the lawyer’s practice is devoted to providing routine legal services for fees that are lower than the prevailing rate in the community for those services.

(c) Advertising Under Trade Name. A lawyer shall not advertise under a trade or fictitious name, except that a lawyer who actually practices under a trade name as authorized by subdivision (b) may use that name in advertisements. A lawyer who advertises under a trade or fictitious name shall be in violation of this rule unless the same name is the law firm name that appears on the lawyer’s letterhead, business cards, office sign, and fee contracts, and appears with the lawyer’s signature on pleadings and other legal documents.

(d) Law Firm with Offices in More Than 1 Jurisdiction. A law firm with offices in more than 1 jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(e) Name of Public Officer in Firm Name. The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(f) Partnerships and Authorized Business Entities. Lawyers may state or imply that they practice in a partnership or authorized business entity only when that is the fact.

Georgia Rules of Professional Conduct [incorporates Model Rule 7.5(a), but also requires the use of at least one the lawyers practicing under the trade name]

Rule 7.5. Firm Names and Letterheads

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

(e) A trade name may be used by a lawyer in private practice if:

(1) the trade name includes the name of at least one of the lawyers practicing under said name. A law firm name consisting solely of the name or names of deceased or retired members of the firm does not have to include the name of an active member of the firm; and

(2) the trade name does not imply a connection with a government entity, with a public or charitable legal services organization or any other organization, association or institution or entity, unless there is, in fact, a connection.

The maximum penalty for a violation of this Rule is a public reprimand.

Hawai'i Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads.

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm may use as, or continue to include in, its name the name or names of one or more deceased or retired partners of the firm in a continuing line of succession; provided that where none of the names comprising a firm name is the name of a current partner who is on the list of active attorneys maintained by the Hawai'i State Bar, there shall be at least one supervisor, manager, partner, or shareholder of the firm who is on the list of active attorneys maintained by the bar.

(c) The name of a professional law corporation or limited liability law company, limited liability law partnership or other such lawful organization shall include the words "A Law Corporation," "A Limited Liability Law Company," "A Limited Liability Law Partnership," or other appropriate designation, whenever applicable.

(d) A lawyer who assumes a judicial or public executive or administrative post or office shall not permit the lawyer's name to remain in the name of a law firm or to be used in professional notices of or public communications by the firm during any significant period in which the lawyer is not actively and regularly practicing law as a partner of the firm, and during such period other partners and associates of the firm shall not use the lawyer's name in the firm name or in professional notices of or public communications by the firm.

(e) A law firm shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the partners, associates, and "of counsel" lawyers of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those partners,

associates, and “of counsel” lawyers of the firm not licensed to practice in all listed jurisdictions.

(f) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Idaho Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5: Firm Names and Letterhead

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Illinois Rules of Professional Conduct [does not adopt Model Rule 7.5(a) but permits use of a trade name if it is not misleading and the name of at least one member of the firm is in the name]

RULE 7.5. Firm Names and Letterheads

(a) A lawyer who assumes a judicial, legislative, or public executive or administrative post or office shall not permit the lawyer’s name to remain in the name of a law firm or to be used in professional notices of the firm during any substantial period in which the lawyer is not actively and

regularly practicing law as a member of the firm, and during such period other members of the firm shall not use the lawyer's name in the firm name or in professional notices of the firm.

(b) A law firm shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction.

(c) A trade name may be used by a lawyer in private practice if it is not misleading. A lawyer or law firm using a trade name in any advertising must include the name of at least one lawyer responsible for its contents.

(d) Lawyers may state or imply that they practice in partnership or other organization only when that is the fact.

Indiana Rules of Professional Conduct *[does not follow Model Rule 7.5(a), but permits the use of trade names if: (a) it is not false or misleading, (b) does not imply an affiliation with government or a public or charitable legal aid organization, (c) includes the name of at least one member of firm, and (d) the name describes geographic location, area of practice or language fluency]*

Rule 7.5. Firm Names and Letterheads

(a) Firm names, letterheads, and other professional designations are subject to the following requirements:

(1) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

(2) The name of a professional corporation, professional association, limited liability partnership, or limited liability company may contain, "P.C.", "P.A.," "LLP," or "LLC" or similar symbols indicating the nature of the organization.

(3) If otherwise lawful a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. See Admission & Discipline Rule 27.

(4) A trade name may be used by a lawyer in private practice subject to the following requirements:

(i) the name shall not imply a connection with a government agency or with a public or charitable legal services organization and shall not otherwise violate Rule 7.1.

(ii) the name shall include the name of a lawyer (or the name of a deceased or retired member of the firm, or of a predecessor firm in a manner that complies with subparagraph (2) above).

(iii) the name shall not include words other than words that comply with clause (ii) above and words that:

(A) identify the field of law in which the firm concentrates its work, or

(B) describe the geographic location of its offices, or

(C) indicate a language fluency.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in Indiana if the name or other designation does not violate paragraph (a) and the identification of the lawyers in an office of the firm indicates the jurisdictional limitations on those not licensed to practice in Indiana.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm. A member of a part-time legislative body such as the General Assembly, a county or city council, or a school board is not subject to this rule.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when they in fact do so.

Iowa Rules of Professional Conduct [prohibits the use of a trade name]

Rule 32:7.5: Professional Notices, Letterheads, Offices and Signs

(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates rule 32:7.1. A lawyer or law firm may use the following professional cards, signs, letterheads, or similar professional notices or devices if they are in dignified form:

(1) A professional card of a lawyer identifying the lawyer by name and as a lawyer, and giving addresses, telephone numbers, the name of the lawyer's law firm, and any information permitted under rule 32:7.4. A professional card of a law firm may also give the names of members and associates. Such cards may be used for identification.

(2) A brief professional announcement card stating new or changed associations or addresses, change of firm name, or similar matters pertaining to the professional office of a lawyer or law firm, which may be mailed to lawyers, clients, former clients, personal friends, and relatives. It shall not state biographical data except to the extent reasonably necessary to identify the lawyer or to explain the change in the lawyer's association, but it may state the immediate past position of the lawyer. It may give the names and dates of predecessor firms in a continuing line of succession. It shall not state the nature of the practice except as permitted under rule 32:7.4. A dignified announcement of a change in location of office, the addition of a new partner, equity holder or associate, or a change in the name of a law firm may be published in one or more newspapers of general circulation over a period of no more than four weeks.

(3) A sign on or near the door of the office and in the building directory identifying the law office. The sign shall not state the nature of the practice, except as permitted under rule 32:7.4.

(4) A letterhead of a lawyer identifying the lawyer by name and as a lawyer and giving the lawyer's addresses, telephone numbers, the name of the

lawyer's law firm, associates, and any information permitted under rule 32:7.4. A letterhead of a law firm may also give the names of members and associates, and names and dates related to deceased and retired members. A lawyer may be designated "Of Counsel" on a letterhead if the lawyer has a continuing relationship with a lawyer or law firm, other than as a partner or associate. A lawyer or law firm may be designated as "General Counsel" or by similar professional reference on stationery of a client if the lawyer or the firm devotes a substantial amount of professional time in the representation of that client. The letterhead of a law firm may give the names and dates of predecessor firms in a continuing line of succession.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

(e) 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. However the name of a professional corporation, professional association, professional limited liability company, or registered limited liability partnership may contain "P.C.", "P.A.", "P.L.C.", "L.L.P." or similar symbols indicating the nature of the organization and, if otherwise lawful, a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession.

(f) A lawyer who is engaged both in the practice of law and another profession or business shall not so indicate on the lawyer's letterhead, office sign, or

professional card, and shall not be identified as a lawyer in any publication in connection with the lawyer's other profession or business.

Kansas Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Information about Legal Services: Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Kentucky Rules of Professional Conduct [use of a trade name prohibited by court decision – see note following rule]

Rule 7.50. Firm Names and Letterheads

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.15.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Note: A Kentucky lawyer may not privately practice law for profit under even a non-deceptive, non-franchised trade name, although the rules of ethics do not expressly prohibit it. *Simon v. Kentucky Bar Ass'n*, 742 S.W.2d 959 (Ky. 1988). In *Simon*, attorneys wished to organize their law office under the name "Simon and Simon" and franchise that name for use by independent law firms. The court refused to change the disciplinary rules and commentary forbidding the use of trade names by attorneys and refused to adopt a new rule which would allow that practice. *See also* KBA E-338 (1990). Furthermore, a law firm may not form a legal clinic under a name which does not include the name of one of the lawyers, because such a name would be a trade name and would be misleading. KBA E-219 (1979).

Louisiana Rules of Professional Conduct *[does not adopt Model Rule 7.5(a) but permits use of a trade name so long as it: (a) is not false or misleading; (b) imply an ability to obtain results in a matter; (c) implies an affiliation with the government or a public or charitable legal aid organization; (d) implies that it is something other than a private law firm]*

Rule 7.2. Communications Concerning a Lawyer's Services

(c) Prohibitions and General Rules Governing Content of Advertisements and Unsolicited Written Communications.

(1) **Statements About Legal Services.** A lawyer shall not make or permit to be made a false, misleading or deceptive communication about the lawyer, the lawyer's services or the law firm's services. A communication violates this Rule if it:

(L) utilizes a nickname, moniker, motto or trade name that states or implies an ability to obtain results in a matter . . .

Rule 7.10. Firm Names and Letterhead

(a) **False, Misleading, or Deceptive.** A lawyer or law firm shall not use a firm name, logo, letterhead, professional designation, trade name or service mark that violates the provisions of these Rules.

(b) **Trade Names.** A lawyer or law firm shall not practice under a trade name that implies a connection with a government agency, public or charitable services organization or other professional association, that implies that the firm is something other than a private law firm, or that is otherwise in violation of subdivision (c)(1) of Rule 7.2.

(c) **Advertising Under Trade Name.** A lawyer shall not advertise under a trade or fictitious name, except that a lawyer who actually practices under a trade name as authorized by subdivision (b) may use that name in advertisements. A lawyer who advertises under a trade or fictitious name shall be in violation of this Rule unless the same name is the law firm name that appears on the lawyer's letterhead, business cards, office sign, and fee contracts, and appears with the lawyer's signature on pleadings and other legal documents.

(d) **Law Firm with Offices in More Than One Jurisdiction.** A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in any jurisdiction where an office is located.

(e) **Name of Public Officer or Former Member in Firm Name.** The name of a lawyer holding a public office or formerly associated with a firm shall not be used in the name of a law firm, on its letterhead, or in any communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(f) **Partnerships and Organizational Business Entities.** Lawyers may state or imply that they practice in a partnership or other organizational business entity only when that is the fact.

(g) **Deceased or Retired Members of Law Firm.** If otherwise lawful and permitted under these Rules, a law firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the law firm, or of a predecessor firm in a continuing line of succession.

Maine Rules of Professional Conduct *[follows Model Rule 7.5(a)]*

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Maryland Lawyer Rules of Professional Conduct *[follows Model Rule 7.5(a)]*

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Massachusetts Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Michigan Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule: 7.5. Firm Names and Letterheads

(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 services organization and it is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Minnesota Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5: Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1. 110

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Mississippi Rules of Professional Conduct *[prohibits the use of a trade name]*

Rule 7.7 Firm Names and Letterheads

(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 7.1.

(b) A lawyer shall not practice under a trade or fictitious name or a name that is misleading as to the identity of the lawyer or lawyers practicing under such name. A lawyer in private practice may use the term “legal clinic” or “legal services” in conjunction with the lawyer’s own name if the lawyer’s practice is devoted to providing routine legal services for fees that are lower than the prevailing rate in the legal community for those services.

(c) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(d) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm except as permitted by Rule

(e) Lawyers may state or imply that they practice in a partnership or to other organization only when that is the fact except as permitted by Rule 1.17.

Missouri Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 4-7.5: Firm Names and Letterheads

(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 4-7.1. 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 4-7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Montana Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional (e.g., website) designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Nebraska Rules of Professional Conduct [*incorporates Model Rule 7.5(a), but also requires that the name include the name of at least one of the active members of the firm*]

Rule § 3-507.5. Firm names and letterheads.

(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:

(1) the trade name includes the name of at least one of the lawyers practicing under said name. A law firm consisting solely of the name or names of deceased or retired members of the firm does not have to include the name of an active member of the firm;

(2) the trade name does not imply a connection with a government entity, with a public or charitable legal services organization or any other organization, association or institution or entity, unless there is, in fact, a connection; and

(3) the trade name is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Nevada Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads.

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction that has registered with the State Bar of Nevada under Rule 7.5A may use the same name in each jurisdiction. Identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm. This provision does not apply to a lawyer who takes a brief hiatus from practice to serve as an elected member of the Nevada State Legislature when the legislature is in session.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

New Hampshire Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction.

(c) Identification of the lawyers in an office of a law firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(d) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(e) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

New Jersey Rules of Professional Conduct *[incorporates Model Rule 7.5(a), but requires that the trade name include the name of at least one of the lawyers in the firm and that any advertising including the trade name also include the name of one or more the principally responsible attorneys]*

Rule of Professional Conduct 7.5. Firm Names and Letterheads

(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates RPC 7.1. Except for organizations referred to in R. 1:21-1(e), the name under which a lawyer or law firm practices shall include the full or last names of one or more of the lawyers in the firm or office or the names of a person or persons who have ceased to be associated with the firm through death or retirement.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction. In New Jersey, identification of all lawyers of the firm, in advertisements, on letterheads or anywhere else that the firm name is used, shall indicate the jurisdictional limitations on those not licensed to practice in New Jersey. Where the name of an attorney not licensed to practice in this State is used in a firm name, any advertisement, letterhead or other

communication containing the firm name must include the name of at least one licensed New Jersey attorney who is responsible for the firm's New Jersey practice or the local office thereof.

(c) A firm name shall not contain the name of any person not actively associated with the firm as an attorney, other than that of a person or persons who have ceased to be associated with the firm through death or retirement.

(d) Lawyers may state or imply that they practice in a partnership only if the persons designated in the firm name and the principal members of the firm share in the responsibility and liability for the firm's performance of legal services.

(e) A law firm name may include additional identifying language such as "& Associates" only when such language is accurate and descriptive of the firm. Any firm name including additional identifying language such as "Legal Services" or other similar phrases shall inform all prospective clients in the retainer agreement or other writing that the law firm is not affiliated or associated with a public, quasi-public or charitable organization. However, no firm shall use the phrase "legal aid" in its name or in any additional identifying language.

(f) In any case in which an organization practices under a trade name as permitted by paragraph (a) above, the name or names of one or more of its principally responsible attorneys, licensed to practice in this State, shall be displayed on all letterheads, signs, advertisements and cards or other places where the trade name is used.

New Mexico Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 16-705. Firm Names and Letterheads

A. Use of Trade or Firm Name. A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 16-701. 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 16-701.

B. Multi-Jurisdictional Law Firms. A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

C. Use of Names of Lawyers Holding Public Office. The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

D. Statements About Association. Lawyers may not state or imply that they practice in a partnership or other organization unless that is a fact.

New York Rules of Professional Conduct *[prohibits the use of a trade name]*

Rule 7.5: Professional Notices, Letterheads and Signs

(b) 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 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 and, if otherwise lawful, a firm may use as, or continue to include in its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. 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. A lawyer or law firm may not include the name of a nonlawyer in its firm name, nor may a lawyer or law firm that has a contractual relationship with a nonlegal professional or nonlegal professional service firm pursuant to Rule 5.8 to provide legal and other professional services on a systematic and continuing basis include in its firm name the name of the nonlegal professional service firm or any individual nonlegal professional affiliated therewith. A

lawyer who assumes a judicial, legislative or public executive or administrative post or office shall not permit the lawyer's name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which the lawyer is not actively and regularly practicing law as a member of the firm and, during such period, other members of the firm shall not use the lawyer's name in the firm name or in professional notices of the firm.

North Carolina Rules of Professional Conduct *[incorporates Model Rule 7.5(a), but also requires registration of a trade name with the State Bar for a determination of whether it is misleading]*

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not false or misleading in violation of Rule 7.1. Every trade name used by a law firm shall be registered with the North Carolina State Bar for a determination of whether the name is misleading.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) A law firm maintaining offices only in North Carolina may not list any person not licensed to practice law in North Carolina as a lawyer affiliated with the firm unless the listing properly identifies the jurisdiction in which the lawyer is licensed and states that the lawyer is not licensed in North Carolina.

(d) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm, whether or not the lawyer is precluded from practicing law.

(e) Lawyers may state or imply that they practice in a partnership or other professional organization only when that is the fact.

North Dakota Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

(e) A lawyer may identify legal assistants on the lawyer's letterhead and on business cards identifying the lawyer's firm, provided the legal assistant's status is clearly identified.

Ohio Rules of Professional Conduct [prohibits the use of a trade name]

Rule 7.5: Firm Names and Letterheads

(a) A lawyer shall not use a *firm* name, letterhead or other professional designation that violates Rule 7.1. 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 the name, or a *firm* name containing names other than those of one or more of the lawyers in the *firm*, except that the name

of a professional corporation or association, legal clinic, limited liability company, or limited liability partnership shall contain symbols indicating the nature of the organization as required by Gov. Bar R. III. If otherwise lawful, a *firm* may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the *firm* or of a predecessor *firm* in a continuing line of succession.

(b) A *law firm* with offices in more than one jurisdiction that lists attorneys associated with the *firm* shall indicate the jurisdictional limitations on those not licensed to practice in Ohio.

(c) The name of a lawyer holding a public office shall not be used in the name of a *law firm*, or in communications on its behalf, during any *substantial* period in which the lawyer is not actively and regularly practicing with the *firm*.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Oklahoma Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Oregon Rules of Professional Conduct [incorporates Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(a) A lawyer may use professional announcement cards, office signs, letterheads, telephone and electronic directory listings, legal directory listings or other professional notices so long as the information contained therein complies with Rule 7.1 and other applicable Rules.

(b) A lawyer may be designated “Of Counsel” on a letterhead if the lawyer has a continuing professional relationship with a lawyer or law firm, other than as a partner or associate. A lawyer may be designated as “General Counsel” or by a similar professional reference on stationery of a client if the lawyer or the lawyer’s firm devotes a substantial amount of professional time in the representation of the client.

(c) A lawyer in private practice:

(1) shall not practice under a name that is misleading as to the identity of the lawyer or lawyers practicing under such name or under a name that contains names other than those of lawyers in the firm;

(2) may use a trade name in private practice if the name does not state or imply a connection with a governmental agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1; and

(3) may use in a firm name the name or names of one or more of the retiring, deceased or retired members of the firm or a predecessor law firm in a continuing line of succession. The letterhead of a lawyer or law firm may give the names and dates of predecessor firms in a continuing line of succession and may designate the firm or a lawyer practicing in the firm as a professional corporation.

(d) Except as permitted by paragraph (c), a lawyer shall not permit his or her name to remain in the name of a law firm or to be used by the firm during the

time the lawyer is not actively and regularly practicing law as a member of the firm. During such time, other members of the firm shall not use the name of the lawyer in the firm name or in professional notices of the firm. This rule does not apply to periods of one year or less during which the lawyer is not actively and regularly practicing law as a member of the firm if it was contemplated that the lawyer would return to active and regular practice with the firm within one year.

(e) Lawyers shall not hold themselves out as practicing in a law firm unless the lawyers are actually members of the firm.

(f) Subject to the requirements of paragraph (c), a law firm practicing in more than one jurisdiction may use the same name in each jurisdiction, but identification of the firm members in an office of the firm shall indicate the jurisdictional limitations of those not licensed to practice in the jurisdiction where the office is located.

Pennsylvania Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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, government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1. If otherwise lawful a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers shall not state or imply that they practice in a partnership or other organization unless that is the fact.

Rhode Island Disciplinary Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office during any substantial period in which the lawyer is not actively and regularly practicing with the firm, and the name of a lawyer who is disbarred or suspended from the practice of law for a period of at least six (6) months, shall not be used in the name of a law firm or in communication on its behalf.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

South Carolina Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

South Dakota Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads.

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

(e) The disclosure required in Rule 1.4(c)(1) or (2) shall be in black ink with type no smaller than the type used for showing the individual lawyer's names.

Tennessee Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule of Professional Conduct 7.5: Firm Names and Letterheads

(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates RPC 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 RPC 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Texas Disciplinary Rules of Professional Conduct [prohibits the use of a trade name]

Rule 7.01. Firm Names and Letterhead

(a) 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 the names of a professional corporation, professional association, limited liability partnership, or professional limited

liability company may contain “P.C.,” “P.A.,” “L.L.P.,” “P.L.L.C.,” or similar symbols indicating the nature of the organization, and if otherwise lawful a firm may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. Nothing herein shall prohibit a married woman from practicing under her maiden name.

(b) A firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer occupying a judicial, legislative, or public executive or administrative position shall not be used in the name of a firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) A lawyer shall not hold himself or herself out as being a partner, shareholder, or associate with one or more other lawyers unless they are in fact partners, shareholders, or associates.

(e) A lawyer shall not advertise in the public media or seek professional employment by any communication under a trade or fictitious name, except that a lawyer who practices under a firm name as authorized by paragraph (a) of this Rule may use that name in such advertisement or communication but only if that name is the firm name that appears on the lawyer’s letterhead, business cards, office sign, fee contracts, and with the lawyer’s signature on pleadings and other legal documents. (f) A lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 7.02(a).

Utah Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads.

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Vermont Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Virginia Rules of Professional Conduct [incorporates Model Rule 7.5(a)]

Rule 7.5. Firm Names And Letterheads

(a) A lawyer or law firm may use or participate in the use of a professional card, professional announcement card, office sign, letterheads, telephone directory listing, law list, legal directory listing, website, or a similar professional notice or device unless it includes a statement or claim that is false, fraudulent, misleading, or deceptive. 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 and 7.2.

(b) A law firm shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations of those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Washington Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule of Professional Conduct 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is a fact.

West Virginia Rules of Professional Conduct [follows Model Rule 7.5(a)]

Rule 7.5. Firm Names and Letterheads

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Wisconsin Rules of Professional Conduct [follows Model Rule 7.5(a)]

SCR 20:7.5. Firm names and letterheads.

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates SCR 20:7.1. 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 SCR 20:7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Wyoming Rules of Professional Conduct for Attorneys at Law [follows Model Rule 7.5(a)]

Rule 7.5. Firm names and letterheads.

(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 services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or a similar name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers shall clearly and accurately state the organizational structure of the organization in which they practice. Lawyers may not state or imply that they practice in a partnership, firm or other organization if that is not the fact. If lawyers use a name or designation that implies they are practicing in a partnership, firm or other organization, when, in fact, they are not, adding a disclaimer such as 'not a partnership' or 'an association of sole practitioners' shall not render the name or designation permissible under Rules 7.1 and 7.4.

APPENDIX C

