

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #17-01927-A Using the Name of Historical Person in Firm Name

Pursuant to Practice Book §2-28B, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, reviewed a request for an advisory opinion filed on March 2, 2017. The proposed advertisement is the name of a law firm submitted by the requesting attorney. The reviewing committee concluded that the proposed law firm name does not comply with the Rules of Professional Conduct.

The requesting attorney indicated he would like to use the name of a famous astronomer as the name of his law firm. The attorney does not have the same name. His purpose in using the astronomer's name is because "he had ideas that changed the world" and the attorney hoped the same accomplishment for the law firm.

Attorney advertising is governed by Rule 7.1 of the Rules of Professional Conduct. Rule 7.1 provides:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services.

The content of a law firm's name is also subject to the provisions of Rules 7.4, 7.4A and 7.5 of the Rules of Professional Conduct. Rules 7.4 and 7.4A regulate the manner in which an attorney or a firm may characterize practice areas and is not at issue.

Rule 7.5 regulates firm names, letterheads and trade names and incorporates the provisions of Rule 7.1. Firm names may be comprised of some or all firm members, including deceased members,

if the name has been part of the firm's continuing identity and trade names. Rule 7.5 provides that "a lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1."

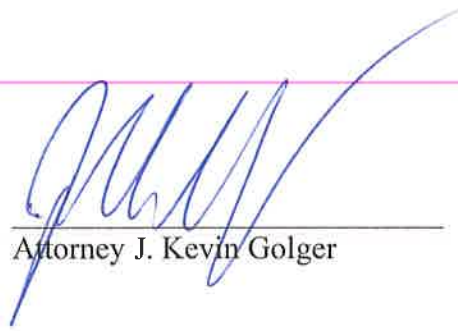
The subsections of Rule 7.5 address various situations concerning law firm names. Subsection (a) provides trade names are permitted if they do not imply association with government agencies or public or nonprofit legal services organizations. Subsection (b) states firms with a multi-jurisdictional practice may retain the firm name even if named partners are not admitted to practice in all jurisdictions provided the jurisdictional limitations are indicated in the various office locations. Subsection (c) states the name of an attorney holding public office shall not be used in the firm name during any "substantial period in which the lawyer is not actively and regularly practicing with the firm." Finally subsection (d) states lawyers may not "state or imply that they practice in a partnership or other organization" unless they actually do. The commentary notes it is misleading to use the name of a lawyer who is not in the firm or was a predecessor.

The above referenced sections of Rule 7.5 contemplate that the name of a law firm, except in the case of a tradename, will consist not only of persons who are proper associates of the firm but who are also attorneys. The rule does not contemplate that the name of a person who is a nonlawyer will be used in the name of a law firm. The name the requesting attorney has submitted is not a trade name but the name of a person who is not associated with the law firm.

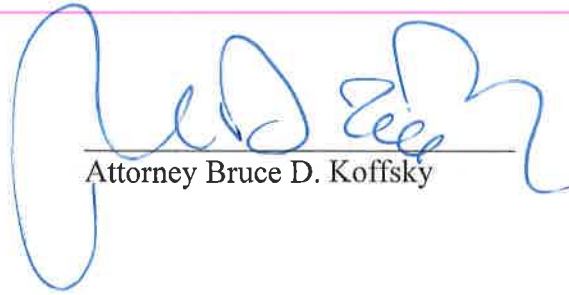
Accordingly, this reviewing committee opines that the advertisement does not comply with the Rules of Professional Conduct.

(E)


ISSUE DATE: March 28, 2017



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