

Nebraska Ethics Advisory Opinion for Lawyers
No. 77-3

IT IS NOT IMPROPER FOR A LAW FIRM WITH OFFICES IN DIFFERENT CITIES OR STATES TO USE A VARIATION IN THE FIRM NAME IN THE DIFFERENT LOCATIONS, PROVIDED THE LAWYERS INCLUDED IN THE NAME USED IN EACH LOCATION ARE IN FACT PARTNERS.

FACTS

You inquire as to whether there is any prohibition against your firm using a variation in the name of the firm as between its offices in different cities. You propose that the name of a partner resident of one city be eliminated in the firm name used in the other city.

DISCUSSION

The Committee finds no prohibition of the variation in firm name which you propose.

Canon 33 of the Canons of Professional Ethics of the American Bar Association provides in part as follows:

"...In the selection and use of a firm name, no false, misleading, assumed or trade name shall be used..."

The opinions of the Committee on Professional Ethics emphasize that in the selection of a firm name any name which is false or likely to be misleading is prohibited. There must be no imposition or deception in the firm name or letterhead.

Wise, on Legal Ethics, Chapter XIV at page 206, says:

"The Canons permit partnerships. Care must be taken that the firm name and letterhead neither misrepresent nor conceal material facts."

CONCLUSION

The variation in firm names which you propose does not appear to contain anything false, misleading or deceptive. It may, in fact, be more descriptive, rather than less descriptive, of the partnership.

This opinion assumes, of course, that all lawyers mentioned in the firm name in both offices would be, in fact, partners. DR 2-102(c).

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