

Nebraska Ethics Advisory Opinion for Lawyers
No. 75-9

A LAWYER SHOULD IDENTIFY HIS LOCATION OF PRACTICE UNDER HIS OWN NAME OR THE NAMES OF THE PARTNERS OR SOME OF THEM IF THERE IS A PARTNERSHIP. HE SHOULD IDENTIFY HIMSELF AS A LAWYER BY THE USE OF THE WORDS, "LAW OFFICE OF", PRECEDING HIS NAME OR THE USE OF THE WORDS, "LAWYER" OR THE WORDS, "ATTORNEY AT LAW" FOLLOWING HIS NAME, EXCEPT THAT WHERE HE PRACTICES LAW AS A "PROFESSIONAL CORPORATION", THESE WORDS OR THE INITIALS "P.C." SHOULD BE ADDED. ANY FURTHER USE OF WORDS SUCH AS "LEGAL CLINIC" IS SURPLUSAGE AND ADDITIONAL ADVERTISING. (SUCH IDENTIFICATION OF A PLACE OF PRACTICE SHOULD BE PLACED CLOSE TO THE ENTRANCE OF THE LAW OFFICE IF THE ENTRANCE IS FROM THE STREET, OR IN THE DIRECTORY ON THE FIRST FLOOR OF AN OFFICE BUILDING THAT HAS MORE THAN ONE FLOOR.)

INQUIRY AND FACTS

Two lawyers intend to establish a law practice. They would like to use as the name of their law practice the words, "Legal Clinic" instead of the more common phraseology, "Law Office". A request for an opinion from The Advisory Committee was made by one of them as to whether this would be proper.

OPINION

We believe a careful reading of the ethical considerations designated as EC 2-9, EC 2-10 and EC 2-11 of the Code of Professional Responsibility may be of help in supplying a correct answer. We quote EC 2-11 in part:

"The name under which a lawyer conducts his practice may be a factor in the selection process. The use of a trade name or an

assumed name could mislead laymen concerning the identity, responsibility and status of those practicing thereunder. Accordingly, a lawyer in private practice should practice under his own name, the name of a lawyer employing him, a partnership name composed of the name of one or more of the lawyers practicing in a partnership, or if permitted by law, in the name of a professional legal corporation, which should be clearly designated as such..."

DR 2-102 Professional Notices, Letterheads, Offices and Law Lists

(A) A lawyer or law firm shall not use professional cards, professional announcement cards, office signs, letterheads, telephone directory listings, law lists, legal directory listings, or similar professional notices or devices, except that the following may be used if they are in dignified form:

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(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 DR 2-105.

(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 or professional association may contain "P.C." or "P.A." or similar symbols indicating the nature of the organization or 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.

Your attention is called to DR 2-102 (A), (1), (2), (4), (5) and (6) that in every instance whether it be a professional card, a letterhead, a listing of the office of a lawyer or a listing in a law list, he is required to identify himself by name and as a lawyer.

The tenor of all of the informal decisions of the Standing Committee on Professional Ethics of the American Bar Association which we have read seem to reach a similar conclusion. The question posed in informal decision No. 510 was whether the use of prolific signs in every window setting forth the words "Law Office" or the names of the members of the law firm or both was ethical when the name of the law firm also appeared in the building entrance. In holding that this was in poor taste the committee said:

"Since the name of the law firm appears on the entrance to the building the use of the words "Law Office" and the names of the partners on the windows serves no useful purpose except that of advertising by informing the public that law is practiced at this location and to give the names of the attorneys. This violates Canon 27. It is also lacking in the dignity necessary to uphold an honorable profession.

This Committee also believes there is a similar violation in the case of lawyers who put their names on two or three windows, or even on one window unless there were no street numbers or outside door available for the placing of the lawyer's name."

In reaching this conclusion the Committee in its Opinion No. 510 referred to its Opinion No. 132:

"The test is whether the sign is intended and calculated to enable persons looking for a lawyer, already selected, to find him, or to attract the attention of persons who might be looking for a lawyer, although not for

him."

The American Bar Association Committee in their informal decision No. C-441 ruled that it was proper for an attorney named "Doe" to erect a building, and call it the "Doe Building" but it was improper to call it the "Doe Law Building" in that this would be an enlargement upon the conventional shingle of Mr. Doe as a lawyer.

We conclude therefore that your name and the name of the lawyer you intend to practice with should be on your shingle placed close to the entrance of your office with the designation that you are lawyers or attorneys at law and that the additional word "Legal Clinic" is surplusage and additional advertising. This would apply if your entrance was from the street and it would similarly apply in a directory on the first floor of an office building that had more than one floor.

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