

Utah Ethics Opinions

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38. USB EAOE Opinion No. 38

Utah State Bar

Ethics Advisory Opinion No. 38

Approved August 29, 1977

Summary: It is improper to use the designation "Salt Lake Legal Clinic" for a law office.

Facts: You have inquired as to the propriety of your using the name "Salt Lake Legal Clinic" as the name for your law office.

Opinion: We believe this matter is controlled by Canon 2, DR 2-102(B), Rules of Professional Conducts of the Utah State Bar.

"(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, 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.

You have asked that we provide you the reasoning which results in our decision. It is to be found in EC 2-11 which reads as follows:

"EC 2-11 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 only under his own name, 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."

Rule Cited:

Canon 2