Dear Ethics Lawyer ™

The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

I am one of four lawyers with a practice focus in technology and with difficult-to-spell or "not catchy" names, who are forming a firm. In a quandary over what to call this collection of fine legal talent in order to be able to effectively market our services, and with a flash of double meaning brilliance, we decided to name it "The IT Lawyers LLC." Is this ethical?

A: Yes. Prior to amendments made in 2018, Model Rule 7.5 regulated the use of trade names by lawyers. It allowed trade names for lawyers in private practice if the name did not imply a connection with a governmental or charitable agency and was not otherwise misleading under Rule 7.1. This Rule was deleted in 2018, but, of course Rule 7.1, which prohibits misleading statements, still applies. *See, e.g.,* Comment 5. In addition, please check your relevant jurisdiction concerning whether a version of Rule 7.5 or other restriction remains in place.

The Ethics Lawyer

About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by Mark Hinderks, former managing partner and counsel to an AmLaw 132 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's Legal Ethics & Professional Responsibility practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction – the result may be completely different.