

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-219
Issued: July 1979

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question: May a law firm form a "legal clinic" without a member of the law firm's name appearing in the clinic (i.e., Louisville Law Clinic)?

Answer: No.

References: DR 2-102(B); EC 2-11; ABA Formal Opinion 318 (1967)

OPINION

An attorney engaged in private practice should practice only under: (1) his own name, (2) the name of the lawyer employing him, (3) a partnership name consisting of the name of one or more lawyers in the partnership or (4) in the name of a professional legal corporation which is clearly designated as such (EC 2-11). A lawyer in private practice is prohibited from practicing under a trade name, any name that is misleading, or a firm name containing names other than those of lawyers in the firm, except that the name of a professional corporation or association may contain symbols such as "P.C." to indicate the nature of the organization (DR 2-102(B)).

Even if a law firm is organized as a professional corporation, the name of the corporation must not be in the nature of a trade name or be a name which would be misleading.

A name of a law firm or law clinic such as "The Louisville Law Clinic" would, therefore, be objectionable on two counts. It is essentially the use of a trade name which "could mislead laymen concerning the identity, responsibility, and status of those practicing thereunder" EC 2-11). In addition, the name "Louisville Law Clinic" might mislead laymen to believe that the law clinic was in some way associated with or a service of the city of Louisville. Because of the widespread use, in some areas in the past by legal aid offices, of the designation "legal clinic," some laymen will undoubtedly be confused by the name of a legal clinic associated with a political or geographic area.

The formation of a legal clinic does not in any way exempt a partnership or law firm from adhering to the usual limitations concerning the names and designations of law firms.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.