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**E-76-3 Propriety of using “City Legal Clinic”**

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This letter is in response to a request for an opinion as to the ethical propriety of the use of the name “City Legal Clinic, S.C.”

The Ethics Rule applicable here is DR 2:102(B), which states that

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 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. . . .

EC 2-11 further reflects that

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 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. . . .

Informal Opinion A-1962 of this committee, addressed the issue of legal corporations and names, concluding: “The name (of the legal service corporation) must not be misleading or deceptive, and it must be in good taste and dignified, and not in such form as would assist in soliciting legal work. The words ‘legal service’ or ‘law service’ should not be used.”

In *Drinker on Legal Ethics*, at page 207, the matter of firm names is covered and indicates that the use of a *nom de plume*, assumed, or trade name in a law practice is improper. The footnotes cite Informal American Bar Association Opinions which hold such names as “McCarrus Claim Service,” and “Northern Law Clinic” are improper as firm names.

Prior to the enactment of DR 2-102(B), under Canon 33 of the Canons of Legal Ethics, the New York City Bar Association Ethics Committee held that use of the name “\_\_\_\_ \_\_\_\_ Legal Bureau” or “\_\_\_\_ \_\_\_\_ Legal Clinic” was improper.

Therefore, it is the opinion of this committee that it would be improper to use the name “City Legal Clinic,” either to designate a law partnership or a legal service corporation, in that it would be conducting private law practice under a trade name, as prohibited under DR 2-102(B) and its predecessor Canon 33 of the Canons of Professional Ethics.