

ETHICS OPINION

RO-93-11

QUESTION:

"Assuming that an attorney is a sole practitioner, which of the following forms of name may he ethically use for his practice:

John Doe & Associates
John Doe Law Firm
John Doe Law Office

Similarly, if the attorney has one associate (employed lawyer), which of those names may he use?

The first of these names (John Doe & Associates) was approved for a firm with an undisclosed number of associates in RO-87-01. It is unclear from that opinion and Rule 7.1(a) whether the use of the term 'associates' means that the lawyer must have at least one associate, or at least two associates in order not to be 'misleading.'

Similarly, many solo practitioners use the 'John Doe Law Office' or 'Law Offices of John Doe' appellation. Does the term 'John Doe Law Firm' carry enough of a different connotation that 'Firm' would be misleading for a solo practitioner, while 'Office' would be allowable?

Your attention to this question will be greatly appreciated."

ANSWER:

An attorney may designate his practice by the name "John Doe & Associates" only if he has at least one associated attorney in his employ. A sole practitioner may use the term "John Doe Law Firm," "John Doe Law Office," or "Law Offices of John Doe."

DISCUSSION:

Firm names and letterhead are governed by the provisions of Rule 7.5 read in conjunction with Rule 7.1 of the Rules of Professional Conduct of the Alabama State Bar. In substance, these rules provide that a firm name or letterhead shall not be misleading to the public. The Disciplinary Commission is of the opinion that the firm name, "John Doe & Associates" would lead the public to believe that John Doe has at least one other attorney associated with him in the practice of law. However, if the attorney has only one associate, the Disciplinary Commission is of the opinion that it is not necessary to restrict the name to the singular in order to avoid misleading the public. Whether a lawyer who does not presently employ other lawyers can claim that he normally employs one or

more associates depends upon how long the firm has been without one or more associate attorneys and the firm's efforts to engage more associates.

The Disciplinary Commission is further of the opinion that the names "John Doe Law Firm" and "John Doe Law Office" may be used by a sole practitioner without misleading the public as to the size of the firm or the number of attorneys employed.

LGK/tm

7-8-93