

**ALASKA BAR ASSOCIATION  
ETHICS OPINION 94-2**

**Simultaneous Use of More Than One Name For Law Firm**

The Committee has been asked whether an attorney or firm may simultaneously use more than one name for the purpose of marketing legal services offered by the attorney or firm. Under the assumed facts, the attorney or firm proposes to advertise using a trade name employing the phrase ". . . Law Firm" preceded by geographical or other references which might connote a practice concentrating in one area of law, while at the same using "Law Office of [Attorneys Name]" to market a domestic relations or a similar practice. Both "entities" would in fact be identical, with the same address and telephone, and providing the same range of legal services. Only the letterhead and advertisements would be different, and the attorney's name would be included in all advertisements for both names.

It is the opinion of the Committee that the simultaneous use of two different names to identify and market a law practice is not inherently false or misleading, and is not prohibited by the Alaska Rules of Professional Conduct.

The subject of "Firm Names and Letterheads," is addressed in Rule 7.5 of the Alaska Rules of Professional Conduct. While that Rule does not specifically address the issue raised, section (a) does provide the basic criteria. That provision states:

- (a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

In effect, Rule 7.1 simply requires communications by lawyers to be truthful. To the extent applicable to this opinion, it provides:

- A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services or any prospective client's need for legal services. A communication is false or misleading if it:

(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

....

Therefore, the issue to be addressed is whether simultaneous use of two different names to market a law firm is false or misleading because the communications would of necessity misrepresent or omit a fact necessary to the correct understanding of the communications.

Assuming neither of the firm names used is false or misleading by itself, and evaluating the issue based solely on the use of more than one name, the question would be whether the simultaneous use of two names for a firm would be misleading if the communication did not also advise the recipient that the firm was known by another name. If one of the names is not being used because of opprobrium or discredit associated with the other name, and if the use of multiple names is solely for the purpose of marketing to different types of clients, there is no apparent reason why a client might want to know that the lawyer is using more than one name to market his practice. In the absence of some facts making it reasonable to assume that the decision of a client to utilize the services of a lawyer practicing under one entity name would be affected by knowledge that the lawyer also uses another entity name to market his practice, that information does not appear to be of a nature requiring disclosure.

The committee has noted that section (b) of Rule 7.5 permits a law firm with offices in more than one jurisdiction to use the same name in both jurisdictions, provided the firm indicates the jurisdictional limitations of any lawyers not authorized to practice in both jurisdictions. By implication, that provision authorizes law firms practicing in more than one jurisdiction to use a different name in each jurisdiction, even though the composition of the law firm is the same. While that provision is intended to prohibit misrepresentation regarding a lawyer's authority to practice in a particular jurisdiction, it does lend some support to the Committee's opinion.

Approved by the Alaska Bar Association Ethics Committee on March 7, 1994.

Adopted by the Board of Governors on May 3, 1994.

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