

# The Supreme Court of Ohio

## BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

### OPINION 2010-1

Issued February 5, 2010

*Withdrawn October 1, 2021*

**SYLLABUS:** It is improper for a lawyer to name a law firm the lawyer's surname followed by the words Intellectual Property or the initials IP. The use of an area of practice or specialization in a law firm name constitutes a trade name. Prof. Cond. Rule 7.5(a), Gov.Bar. R. III(2), and Prof. Cond. Rule 7.4 do not authorize the inclusion of an area of practice or specialization in a law firm name and Prof. Cond. Rule 7.5 specifically does not allow a trade name. An additional consideration when naming a law firm is that Gov.Bar R. III(2) requires that the name of a law firm formed under a corporate structure, must, in addition to compliance with Prof. Cond. Rule 7.5, include the proper descriptive designation required by law, such as LLC or LLP, and that the name of a legal professional association must end with the legend "Co., LPA" or have below it the words "A Legal Professional Association."

**OPINION:** This opinion addresses a question regarding inclusion of an area of practice or specialization in a law firm name.

Is it proper for a lawyer to name a law firm the lawyer's surname followed by the words Intellectual Property or the initials IP as an abbreviation for intellectual property?

A lawyer who has practiced in the area of intellectual property for many years would like to include the area of practice in the law firm name. The law firm is formed as a limited liability company. The lawyer proposes the use of the lawyer's surname followed by IP as an abbreviation for intellectual property.

Law firm names are addressed in Rule 7.5 of the Ohio Rules of Professional Conduct and in Rule III of the Supreme Court Rules for the Government of the Bar of Ohio.

Prof. Cond. Rule 7.5(a) prohibits a lawyer from practicing law under a trade name or a name misleading as to the identity of the lawyer or lawyers practicing in the firm. Rule 7.5(a) requires that a law firm name comply with the requirement of Prof. Cond. Rule 7.1 that "[a] lawyer shall not make or use a false, misleading, or nonverifiable communication about the lawyer or the lawyer's services."

## Prof. Cond. Rule 7.5(a)

A lawyer shall not use a *firm* name, letterhead or other professional designation that violates Rule 7.1. 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 the name, or a *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 association, legal clinic, limited liability company, or registered partnership shall contain symbols indicating the nature of the organization as required by Gov. Bar R. III. If otherwise lawful, a *firm* may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the *firm* or of a predecessor *firm* in a continuing line of succession.

Gov.Bar R. III(2) requires that the name of a law firm formed under a corporate structure, must, in addition to compliance with Prof. Cond. Rule 7.5, include the descriptive designation required by law, such as LLC or LLP, and that the name of a legal professional association must end with the legend “Co., LPA” or have below it the words “A Legal Professional Association.”

## Gov.Bar R. III(2)

The name of a legal professional association, corporation, legal clinic, limited liability company, or registered partnership shall comply with Rule 7.5 of the Ohio Rules of Professional Conduct. The name of a legal professional association or legal clinic shall end with the legend, “Co., LPA” or shall immediately below it, in legible form, the words “A Legal Professional Association.” The name of a corporation, limited liability company, or registered partnership shall include a descriptive designation as required under sections 1701.05(A), 1705.05(A), or 1775.62, respectively, of the Revised Code.

Neither Prof. Cond. Rule 7.5(a) nor Gov.Bar R. III(2) provides authority for a lawyer to include an area of practice, such as intellectual property, patent law, personal injury law, criminal defense law, real estate law, or any other area of practice, in a law firm name.

Further, Prof. Cond. Rule 7.4, which is a rule devoted to communication of fields of practice and specialization, does not provide authority to communicate a field of practice or a specialization in the name of a law firm.

In applying these rules, it is the Board’s view that the inclusion of an area of practice or specialization in a law firm name constitutes a trade name and is not authorized by the rules. This advice is consistent with past disciplinary case law. A lawyer’s advertisements placed in yellow page directories containing the heading “Body Injury

Legal Centers” were found to be a trade name violating DR 2-102(B) of the Ohio Code of Professional Responsibility [the predecessor rule to Prof. Cond. Rule 7.5]. *Medina Cty. Bar Assn. v. Grieselhuber* (1997), 78 Ohio St.3d 373, 374-75.

Thus, the Board advises that it is improper for a lawyer to name a law firm the lawyer’s surname followed by the words Intellectual Property or the initials IP. The use of an area of practice or specialization in a law firm name constitutes a trade name. Prof. Cond. Rule 7.5(a), Gov.Bar. R. III(2), and Prof. Cond. Rule 7.4 do not authorize the inclusion of an area of practice or specialization in a law firm name and Prof. Cond. Rule 7.5 specifically does not allow a trade name. An additional consideration when naming a law firm is that Gov.Bar R. III(2) requires that the name of a law firm formed under a corporate structure, must, in addition to compliance with Prof. Cond. Rule 7.5, include the proper descriptive designation required by law, such as LLC or LLP, and that the name of a legal professional association must end with the legend “Co., LPA” or have below it the words “A Legal Professional Association.”

**Advisory Opinions of the Board of Commissioners on Grievances and Discipline are informal, nonbinding opinions in response to prospective or hypothetical questions regarding the application of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court Rules for the Government of the Judiciary, the Ohio Rules of Professional Conduct, the Ohio Code of Judicial Conduct, and the Attorney’s Oath of Office.**