

1 Rule 7.1. Communications Concerning a Lawyer's Services.

2 | (a) A lawyer shall not make a false or misleading communication about the lawyer or
3 | the lawyer's services. A communication is false or misleading if it:

4 | (a1) contains a material misrepresentation of fact or law, or omits a fact necessary
5 | to make the statement considered as a whole not materially misleading;

6 | (b2) is likely to create an unjustified or unreasonable expectation about results
7 | the lawyer can achieve or has achieved; or

8 | (c3) contains a testimonial or endorsement that violates any portion of this Rule.

9 | (b) A lawyer shall not interact with a prospective client in a manner that involves
10 | coercion, duress, or harassment.

11 Comments

12 | [1] This Rule governs all communications about a lawyer's services, ~~including~~
13 | ~~advertising permitted by Rule 7.2.~~ Whatever means are used to make known a
14 | lawyer's services, statements about them must be truthful.

15 | [2] Truthful statements that are misleading are also prohibited by this Rule. A truthful
16 | statement is misleading if it omits a fact necessary to make the lawyer's communication
17 | considered as a whole not materially misleading. A truthful statement is also
18 | misleading if there is a substantial likelihood that it will lead a reasonable person to
19 | formulate a specific conclusion about the lawyer or the lawyer's services for which there
20 | is no reasonable factual foundation.

21 | [3] By way of example, this Rule permits the following, so long as they are not false or
22 | misleading: public dissemination of information concerning a lawyer's name or firm
23 | name, address, email address, website, and telephone number; the kinds of services the
24 | lawyer will undertake; the basis on which the lawyer's fees are determined, including
25 | prices for specific services and payment and credit arrangements; the use of actors or
26 | dramatizations to portray the lawyer, law firm, client, or events; the courts or

27 jurisdictions where the lawyer is permitted to practice, and other information that
28 might invite the attention of those seeking legal assistance.

29 [4] An advertisement that truthfully reports a lawyer's achievements on behalf of clients
30 or former clients may be misleading if presented so as to lead a reasonable person to
31 form an unjustified expectation that the same results could be obtained for other clients
32 in similar matters without reference to the specific factual and legal circumstances of
33 each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or
34 fees with the services or fees of other lawyers may be misleading if presented with such
35 specificity as would lead a reasonable person to conclude that the comparison can be
36 substantiated. The inclusion of an appropriate disclaimer or qualifying language may
37 preclude a finding that a statement is likely to create unjustified expectations or
38 otherwise mislead the public.

39 ~~[4] See also Rule 8.4(e) for the prohibition against stating or implying an ability to~~
40 ~~influence improperly a government agency or official or to achieve results by means~~
41 ~~that violate the Rules of Professional Conduct or other law.~~5] A lawyer can
42 communicate practice areas and can state that he or she "specializes" in a field based on
43 experience, training, and education, subject to the "false or misleading" standard set
44 forth in this Rule. A lawyer shall not state or imply that the lawyer is certified as a
45 specialist in a particular field unless the lawyer has been certified as a specialist by an
46 objective entity and the name of the entity is clearly identified in the communication.

47 [6] In order to avoid coercion, duress, or harassment, a lawyer should proceed with
48 caution when initiating contact with someone in need of legal services, especially when
49 the contact is "live," whether that be in-person, face-to-face, live telephone and other
50 real-time visual or auditory person-to-person communications, where the person is
51 subject to a direct personal encounter without time for reflection.

52 [7] Firm names, letterhead and professional designations are communications
53 concerning a lawyer's services. A firm may be designated by the names of all or some of
54 its current members, by the names of deceased or retired members where there has

55 been a succession in the firm's identity or by a trade name if it is not false or misleading.
56 A lawyer or law firm also may be designated by a distinctive website address, social
57 media username or comparable professional designation that is not misleading. A law
58 firm name or designation is misleading if it implies a connection with a government
59 agency, with a deceased lawyer who was not a former member of the firm, with a
60 lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a
61 public or charitable legal services organization. If a firm uses a trade name that includes
62 a geographical name such as "Springfield Legal Clinic," an express statement
63 explaining that it is not a public legal aid organization may be required to avoid a
64 misleading implication.

65 [8] A law firm with offices in more than one jurisdiction may use the same name or
66 other professional designation in each jurisdiction.

67 [9] Lawyers may not imply or hold themselves out as practicing together in one firm
68 when they are not a firm, as defined in Rule 1.0(d), because to do so would be false and
69 misleading.

70 [10] It is misleading to use the name of a lawyer holding public office in the name of a
71 law firm, or in communications on the law firm's behalf, during any substantial period
72 in which the lawyer is not practicing with the firm. A firm may continue to use in its
73 firm name the name of a lawyer who is serving in Utah's part-time legislature as long as
74 that lawyer is still associated with the firm.

75 [11] See Rules 5.3 (duties of lawyers and law firms with respect to the conduct of non-
76 lawyers); Rule 8.4(a) (duty to avoid violating the Rules through the acts of another); and
77 Rule 8.4(e) (prohibition against stating or implying an ability to influence improperly a
78 government agency or official or to achieve results by means that violate the Rules of
79 Professional Conduct or other law).

80 ~~[4a12] The Utah Rule is different~~ This Rule differs from the ABA Model Rule.

81 ~~Subsections (b), (c), and (cd) are added to the Rule to give further guidance as to which~~

82 | ~~communications are false or misleading.~~ Additional changes have been made to the
83 | comments.

84 **Rule 7.2. Advertising.**

85 ~~lawyer may pay the reasonable cost of advertising permitted by these Rules and~~
86 ~~may pay the usual charges of a lawyer referral service or other legal service plan.~~

87 **Comment**

88 ~~[1]To assist the public in learning about and obtaining legal services, lawyers should~~
89 ~~be allowed to make known their services not only through reputation but also~~
90 ~~through organized information campaigns in the form of advertising. Advertising~~
91 ~~involves an active quest for clients, contrary to the tradition that a lawyer should not~~
92 ~~seek clientele. However, the public's need to know about legal services can be~~
93 ~~fulfilled in part through advertising. This need is particularly acute in the case of~~
94 ~~persons of moderate means who have not made extensive use of legal services. The~~
95 ~~interest in expanding public information about legal services ought to prevail over~~
96 ~~considerations of tradition. Nevertheless, advertising by lawyers entails the risk of~~
97 ~~practices that are misleading or overreaching.~~

98 ~~[2] This Rule permits public dissemination of information concerning a lawyer's~~
99 ~~name or firm name, address, email address, website and telephone number; the~~
100 ~~kinds of services the lawyer will undertake; the basis on which the lawyer's fees are~~
101 ~~determined, including prices for specific services and payment and credit~~
102 ~~arrangements; a lawyer's foreign language ability; names of references and, with~~
103 ~~their consent, names of clients regularly represented; and other information that~~
104 ~~might invite the attention of those seeking legal assistance.~~

105 ~~[3] Questions of effectiveness and taste in advertising are matters of speculation and~~
106 ~~subjective judgment. Some jurisdictions have had extensive prohibitions against~~
107 ~~television and other forms of advertising, against advertising going beyond~~
108 ~~specified facts about a lawyer or against "undignified" advertising. Television, the~~
109 ~~Internet and other forms of electronic communication are now among the most~~
110 ~~powerful media for getting information to the public, particularly persons of low~~

111 ~~and moderate income; prohibiting television, Internet, and other forms of~~
112 ~~electronic advertising, therefore, would impede the flow of information about legal~~
113 ~~services to many sectors of the public. Limiting the information that may be~~
114 ~~advertised has a similar effect and assumes that the Bar can accurately forecast the~~
115 ~~kind of information that the public would regard as relevant. But see Rule 7.3(a) for~~
116 ~~the prohibition against a solicitation through a real-time electronic exchange~~
117 ~~initiated by the lawyer.~~

118 ~~[4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such~~
119 ~~as notice to members of a class in class action litigation.~~

120 ~~Paying Others to Recommend a Lawyer~~

121 ~~[5] Except as permitted by Paragraph (f), lawyers are not permitted to pay others~~
122 ~~for recommending the lawyer's services or for channeling professional work~~
123 ~~in a manner that violates Rule 7.3. A communication contains a recommendation if~~
124 ~~it endorses or vouches for a lawyer's credentials, abilities, competence, character, or~~
125 ~~other professional qualities. Paragraph (f), however, allows a lawyer to pay for~~
126 ~~advertising and communications permitted by this Rule, including the costs of print~~
127 ~~directory listings, on-line directory listings, newspaper ads, television and radio~~
128 ~~airtime, domain name registrations, sponsorship fees, Internet-based~~
129 ~~advertisements and group advertising. A lawyer may compensate employees,~~
130 ~~agents and vendors who are engaged to provide marketing or client development~~
131 ~~services, such as publicists, public relations personnel, business development staff~~
132 ~~and website designers. Moreover, a lawyer may pay others for generating client~~
133 ~~leads, such as Internet-based client leads, as long as the lead generator does not~~
134 ~~recommend the lawyer, and any payment to the lead generator is consistent with the~~
135 ~~lawyer's obligations under these rules. To comply with Rule 7.1, a lawyer must not~~
136 ~~pay a lead generator that states, implies, or creates a reasonable impression that it is~~
137 ~~recommending the lawyer, is making the referral without payment from the lawyer,~~
138 ~~or has analyzed a person's legal problems when determining which lawyer should~~

139 receive the referral. See Rule 5.3 (duties of lawyers and law firms with respect to the
140 conduct of non-lawyers); Rule 8.4(a) (duty to avoid violating the Rules through the
141 acts of another).

142 [6] A lawyer may pay the usual charges of a legal service plan or a lawyer referral
143 service. A legal service plan is a prepaid or group legal service plan or a similar
144 delivery system that assists prospective clients to secure legal representation. A
145 lawyer referral service, on the other hand, is an organization that holds itself out to
146 the public to provide referrals to lawyers with appropriate experience in the subject
147 matter of the representation. No fee-generating referral may be made to any lawyer
148 or firm that has an ownership interest in, or who operates or is employed by, the
149 lawyer referral service, or who is associated with a firm that has an ownership
150 interest in, or operates or is employed by, the lawyer referral service.

151 [7] A lawyer who accepts assignments or referral from a legal service plan or
152 referrals from a lawyer referral service must act reasonably to assure that the
153 activities of the plan or service are compatible with the lawyer's professional
154 obligations. See Rule 5.3. Legal service plans and lawyer referral services may
155 communicate with the public, but such communication must be in conformity with
156 these Rules. Thus, advertising must not be false or misleading, as would be the case
157 if the communications of a group advertising program or a group legal services plan
158 would mislead the public to think that it was a lawyer referral service sponsored by
159 a state agency or bar association. Nor could the lawyer allow in-person, telephonic,
160 or real-time contacts that would violate Rule 7.3.

161 [8] For the disciplinary authority and choice of law provisions applicable to
162 advertising, see Rule 8.5.

163 [8a] This Rule differs from the ABA Model Rule in that it defines "advertisement"
164 and places some limitations on advertisements. Utah Rule 7.2(b)(2) also differs from
165 the ABA Model Rule by permitting a lawyer to pay the usual charges of any lawyer

166 | ~~referral service. This is not limited to not for profit services. Comment [6] to the~~

167 | ~~Utah rule is modified accordingly.~~

168 | Reserved.

169

170 **Rule 7.3. Solicitation of Clients.**

171 ~~(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit~~
172 ~~professional employment from a prospective client when a significant motive for the~~
173 ~~lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:~~

174 ~~(a)(1) is a lawyer;~~

175 ~~(a)(2) has a family, close personal, or prior professional relationship with the lawyer, or~~

176 ~~(a)(3) is unable to make personal contact with a lawyer and the lawyer's contact with~~
177 ~~the prospective client has been initiated by a third party on behalf of the prospective~~
178 ~~client.~~

179 ~~(b) A lawyer shall not solicit professional employment by written, recorded or~~
180 ~~electronic communication or by in-person, live telephone or real-time electronic contact~~
181 ~~even when not otherwise prohibited by paragraph (a), if:~~

182 ~~(b)(1) the target of the solicitation has made known to the lawyer a desire not to be~~
183 ~~solicited by the lawyer; or~~

184 ~~(b)(2) the solicitation involves coercion, duress or harassment.~~

185 ~~(c) Every written, recorded or electronic communication from a lawyer soliciting~~
186 ~~professional employment from anyone known to be in need of legal services in a~~
187 ~~particular matter shall include the words "Advertising Material" on the outside~~
188 ~~envelope, if any, and at the beginning of any recorded or electronic communication,~~
189 ~~unless the recipient of the communication is a person specified in paragraphs (a)(1) or~~
190 ~~(a)(2). For the purposes of this subsection, "written communication" does not include~~
191 ~~advertisement through public media, including but not limited to a telephone directory,~~
192 ~~legal directory, newspaper or other periodical, outdoor advertising, radio, television or~~
193 ~~webpage.~~

194 ~~(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a~~
195 ~~prepaid or group legal service plan operated by an organization not owned or directed~~

196 ~~by the lawyer that uses in-person or other real-time communication to solicit~~
197 ~~memberships or subscriptions for the plan from persons who are not known to need~~
198 ~~legal services in a particular matter covered by the plan.~~

199 **Comment**

200 ~~[1] A solicitation is a targeted communication initiated by the lawyer that is directed to~~
201 ~~a specific person and that offers to provide, or can reasonably be understood as offering~~
202 ~~to provide, legal services. In contrast, a lawyer's communication typically does not~~
203 ~~constitute a solicitation if it is directed to the general public, such as through a billboard,~~
204 ~~an Internet banner advertisement, a website or a television commercial, or if it is in~~
205 ~~response to a request for information or is automatically generated in response to~~
206 ~~Internet searches.~~

207 ~~[2] There is a potential for abuse when a solicitation involves direct in-person, live~~
208 ~~telephone or real-time electronic contact by a lawyer with someone known to need~~
209 ~~legal services. These forms of contact subject a person to the private importuning of the~~
210 ~~trained advocate in a direct interpersonal encounter. The person, who may already feel~~
211 ~~overwhelmed by the circumstances giving rise to the need for legal services, may find it~~
212 ~~difficult fully to evaluate all available alternatives with reasoned judgment and~~
213 ~~appropriate self-interest in the face of the lawyer's presence and insistence upon being~~
214 ~~retained immediately. The situation is fraught with the possibility of undue influence,~~
215 ~~intimidation, and over-reaching.~~

216 ~~[3] This potential for abuse inherent in direct in-person, live telephone or real-time~~
217 ~~electronic solicitation justifies its prohibition, particularly since lawyers have alternative~~
218 ~~means of conveying necessary information to those who may be in need of legal~~
219 ~~services. In particular, communications can be mailed or transmitted by email or other~~
220 ~~electronic means that do not involve real-time contact and do not violate other laws~~
221 ~~governing solicitations. These forms of communications and solicitations make it~~
222 ~~possible for the public to be informed about the need for legal services, and about the~~
223 ~~qualifications of available lawyers and law firms, without subjecting the public to direct~~

224 ~~in-person, live telephone or real-time electronic persuasion that may overwhelm a~~
225 ~~person's judgment.~~

226 ~~[4] The use of general advertising and written, recorded or electronic communications~~
227 ~~to transmit information from lawyer to the public, rather than direct in-person or other~~
228 ~~real-time communications, will help to ensure that the information flows cleanly as well~~
229 ~~as freely. The contents of advertisements and communications permitted under Rule 7.2~~
230 ~~can be permanently recorded so that they cannot be disputed and may be shared with~~
231 ~~others who know the lawyer. This potential for informal review is itself likely to help~~
232 ~~guard against statements and claims that might constitute false and misleading~~
233 ~~communications in violation of Rule 7.1. The contents of direct in-person, live telephone~~
234 ~~or real-time electronic contact can be disputed and may not be subject to third-party~~
235 ~~scrutiny. Consequently, they are much more likely to approach (and occasionally cross)~~
236 ~~the dividing line between accurate representations and those that are false and~~
237 ~~misleading.~~

238 ~~[5] There is far less likelihood that a lawyer would engage in abusive practices against a~~
239 ~~former client, or a person with whom the lawyer has a close personal or family~~
240 ~~relationship, or where the lawyer has been asked by a third party to contact a~~
241 ~~prospective client who is unable to contact a lawyer, for example when the prospective~~
242 ~~client is incarcerated and is unable to place a call, or is mentally incapacitated and~~
243 ~~unable to appreciate the need for legal counsel. Nor is there a serious potential for abuse~~
244 ~~in situations where the lawyer is motivated by considerations other than the lawyer's~~
245 ~~pecuniary gain, or when the person contacted is also a lawyer. This rule is not intended~~
246 ~~to prohibit a lawyer from applying for employment with an entity, for example, as in-~~
247 ~~house counsel. Consequently, the general prohibition in Rule 7.3(a) and the~~
248 ~~requirements of Rule 7.3(c) are not applicable in those situations. Also, paragraph (a) is~~
249 ~~not intended to prohibit a lawyer from participating in constitutionally protected~~
250 ~~activities of public or charitable legal service organizations or bona fide political, social,~~

251 ~~civic, fraternal, employee or trade organizations whose purposes include providing or~~
252 ~~recommending legal services to their members or beneficiaries.~~

253 ~~[5a] Utah's Rule 7.3(a) differs from the ABA Model Rule by authorizing in-person or~~
254 ~~other real-time contact by a lawyer with a prospective client when that prospective~~
255 ~~client is unable to make personal contact with a lawyer, but a third party initiates~~
256 ~~contact with a lawyer on behalf of the prospective client and the lawyer then contacts~~
257 ~~the prospective client.~~

258 ~~[6] But even permitted forms of solicitation can be abused. Thus, any solicitation which~~
259 ~~contains information that is false or misleading within the meaning of Rule 7.1, that~~
260 ~~involves coercion, duress or harassment within the meaning of Rule 7.3(b)(2), or that~~
261 ~~involves contact with someone who has made known to the lawyer a desire not to be~~
262 ~~solicited by the lawyer within the meaning of Rule 7.3(b)(1) is prohibited. Moreover, if~~
263 ~~after sending a letter or other communication as permitted by Rule 7.2 the lawyer~~
264 ~~receives no response, any further effort to communicate with the recipient of the~~
265 ~~communication may violate the provisions of Rule 7.3(b).~~

266 ~~[7] This Rule is not intended to prohibit a lawyer from contacting representatives of~~
267 ~~organizations or groups that may be interested in establishing a group or prepaid legal~~
268 ~~plan for their members, insureds, beneficiaries or other third parties for the purpose of~~
269 ~~informing such entities of the availability of and the details concerning the plan or~~
270 ~~arrangement which the lawyer or lawyer's firm is willing to offer. This form of~~
271 ~~communication is not directed to people who are seeking legal services for themselves.~~
272 ~~Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a~~
273 ~~supplier of legal services for others who may, if they choose, become prospective clients~~
274 ~~of the lawyer. Under these circumstances, the activity which the lawyer undertakes in~~
275 ~~communicating with such representatives and the type of information transmitted to~~
276 ~~the individual are functionally similar to and serve the same purpose as advertising~~
277 ~~permitted under Rule 7.2.~~

278 ~~[8] The requirement in Rule 7.3(c) that certain communications be marked "Advertising~~
279 ~~Material" does not apply to communications sent in response to requests of potential~~
280 ~~clients or their spokespersons or sponsors. General announcements by lawyers,~~
281 ~~including changes in personnel or office location, do not constitute communications~~
282 ~~soliciting professional employment from a client known to be in need of legal services~~
283 ~~within the meaning of this Rule.~~

284 ~~[8a] Utah Rule 7.3(c) requires the words "Advertising Material" to be marked on the~~
285 ~~outside of an envelope, if any, and at the beginning of any recorded or electronic~~
286 ~~communication, but not at the end as the ABA Model Rule requires. Lawyer~~
287 ~~solicitations in public media that regularly contain advertisements do not need the "~~
288 ~~Advertising Material" notice because persons who view or hear such media usually~~
289 ~~recognize the nature of the communications.~~

290 ~~[9] Paragraph (d) of this Rule permits a lawyer to participate with an organization that~~
291 ~~uses personal contact to solicit members for its group or prepaid legal service plan,~~
292 ~~provided that the personal contact is not undertaken by any lawyer who would be a~~
293 ~~provider of legal services through the plan. The organization must not be owned by or~~
294 ~~directed (whether as manager or otherwise) by any lawyer or law firm that participates~~
295 ~~in the plan. For example, paragraph (d) would not permit a lawyer to create an~~
296 ~~organization controlled directly or indirectly by the lawyer and use the organization for~~
297 ~~the in-person or telephone, live person-to-person contacts or other real-time electronic~~
298 ~~solicitation of legal employment of the lawyer through memberships in the plan or~~
299 ~~otherwise. The communication permitted by these organizations also must not be~~
300 ~~directed to a person known to need legal services in a particular matter, but is to be~~
301 ~~designed to inform potential plan members generally of another means of affordable~~
302 ~~legal services. Lawyers who participate in a legal service plan must reasonably assure~~
303 ~~that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b). See Rule~~
304 ~~8.4(a). Reserved.~~

305

307 **Rule 7.4. Communication of Fields of Practice.**

308 ~~(a) A lawyer may communicate the fact that the lawyer does or does not practice in~~
309 ~~particular fields of law.~~

310 ~~(b) A lawyer admitted to engage in patent practice before the United States Patent and~~
311 ~~Trademark Office may use the designation "Patent Attorney" or a substantially similar~~
312 ~~designation.~~

313 ~~(c) A lawyer engaged in Admiralty practice may use the designation "Admiralty,"~~
314 ~~"Proctor in Admiralty" or substantially similar designation.~~

315 ~~(d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a~~
316 ~~particular field of law, unless:~~

317 ~~(d)(1) the lawyer has been certified as a specialist by an organization that has been~~
318 ~~approved by an appropriate state authority or that has been accredited by the American~~
319 ~~Bar Association; and~~

320 ~~(d)(2) the name of the certifying organization is clearly identified in the communication.~~

321 **Comment**

322 ~~[1] Paragraph (a) of this Rule permits a lawyer to indicate areas of practice in~~
323 ~~communications about the lawyer's services. If a lawyer practices only in certain fields~~
324 ~~or will not accept matters except in a specified field or fields, the lawyer is permitted to~~
325 ~~so indicate. A lawyer is generally permitted to state that the lawyer is a "specialist,"~~
326 ~~practices a "specialty" or "specializes in" particular fields, but such communications are~~
327 ~~subject to the "false and misleading" standard applied in Rule 7.1 to communications~~
328 ~~concerning a lawyer's services.~~

329 ~~[2] Paragraph (b) recognizes the long-established policy of the Patent and Trademark~~
330 ~~Office for the designation of lawyers practicing before the Office. Paragraph (c)~~
331 ~~recognizes that designation of Admiralty practice has a long historical tradition~~
332 ~~associated with maritime commerce and the federal courts.~~

333 ~~[3] Paragraph (d) permits a lawyer to state that the lawyer is certified as a specialist in a~~
334 ~~field of law if such certification is granted by an organization approved by an~~
335 ~~appropriate state authority or accredited by the American Bar Association or another~~
336 ~~organization, such as a state bar association, that has been approved by the state~~
337 ~~authority to accredit organizations that certify lawyers as specialists. Certification~~
338 ~~signifies that an objective entity has recognized an advanced degree of knowledge and~~
339 ~~experience in the specialty area greater than is suggested by general licensure to~~
340 ~~practice law. Certifying organizations may be expected to apply standards of~~
341 ~~experience, knowledge and proficiency to insure that a lawyer's recognition as a~~
342 ~~specialist is meaningful and reliable. In order to insure that consumers can obtain access~~
343 ~~to useful information about an organization granting certification, the name of the~~
344 ~~certifying organization must be included in any communication regarding the~~
345 ~~certification.~~Reserved.

346

347 **Rule 7.5. Firm Names and Letterheads.**

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

352 ~~(b) A law firm with offices in more than one jurisdiction may use the same name or~~
353 ~~other professional designation in each jurisdiction, but identification of the lawyers in~~
354 ~~an office of the firm shall indicate the jurisdictional limitations on those not licensed to~~
355 ~~practice in the jurisdiction where the office is located. Reserved.~~

356 ~~(c) The name of a lawyer holding a public office shall not be used in the name of a law~~
357 ~~firm, or in communications on its behalf, during any substantial period in which the~~
358 ~~lawyer is not actively and regularly practicing with the firm.~~

359 ~~(d) Lawyers may state or imply that they practice in a partnership or other organization~~
360 ~~only when that is the fact.~~

361 **Comment**

362 ~~[1] A firm may be designated by the names of all or some of its members, by the names~~
363 ~~of deceased or retired members where there has been a continuing succession in the~~
364 ~~firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm~~
365 ~~may also be designated by a distinctive website address or comparable professional~~
366 ~~designation. Although the United States Supreme Court has held that legislation may~~
367 ~~prohibit the use of trade names in professional practice, use of such names in law~~
368 ~~practice is acceptable so long as it is not misleading. If a private firm uses a trade name~~
369 ~~that includes a geographical name such as "Springfield Legal Clinic," an express~~
370 ~~disclaimer that it is not a public legal aid agency may be required to avoid a misleading~~
371 ~~implication. It may be observed that any firm name including the name of a deceased or~~
372 ~~retired partner is, strictly speaking, a trade name. The use of such names to designate~~
373 ~~law firms has proven a useful means of identification. However, it is misleading to use~~

374 | ~~the name of a lawyer who has not been associated with the firm or a predecessor of the~~
375 | ~~firm, or the name of a nonlawyer.~~

376 | ~~[2] With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact~~
377 | ~~associated with each other in a law firm, may not denominate themselves as, for~~
378 | ~~example, "Smith and Jones," for that title suggests that they are practicing law together~~
379 | ~~in a firm.~~

380

381