

NOTICE TO THE BAR

LAW FIRM NAMES – AMENDMENTS TO RPC 7.5 AND COURT RULES 1:21-1A, 1:21-1B, AND 1:21-1C

The Supreme Court has adopted amendments to Rule of Professional Conduct 7.5 (“Law Firm Names and Letterheads”) so as to remove the requirement that the law firm name include the name of a lawyer and describe the nature of the firm’s legal practice. The Court also adopted similar amendments to Court Rules 1:21-1A, 1:21-1B, and 1:21-1C, concerning law firms that practice in a corporate form such as a professional services corporation, limited liability company, or limited liability partnership. The amendments were adopted September 9, 2020 and were effective upon adoption.

The Court took this action based on its review of the RPCs and Court Rules to ensure compliance with constitutional principles. Up to this point the Court had required that the name of a lawyer practicing with the firm be the official designation of a New Jersey law firm; the inclusion of lawyers’ names in the law firm name provides information to consumers about the identity of the firm’s lawyers.

For purposes of consistency and to ensure compliance with constitutional principles, the Court removed the requirement that a lawyer’s name be part of the law firm name and that the law firm name describe “the nature of the firm’s legal practice in terms that are accurate, descriptive, and informative.” RPC 7.5(e). The Court, however, retained the requirement that a law firm trade name must not be “misleading, comparative, or suggestive of the ability to retain results.” RPC 7.5(e). To ensure that consumers have necessary information about the lawyers in

the firm, the Court's amendments to RPC 7.5 include a requirement that when a law firm name does not include the name of a lawyer, any advertisement, letterhead, or other communication containing the law firm name must include the name of at least one licensed New Jersey lawyer who is responsible for the firm's New Jersey practice or the local office of that practice. RPC 7.5(e). Other paragraphs in RPC 7.5 have been amended for clarity.

The amendments to RPC 7.5 and Court Rules 1:21-1A, 1:21-1B, and 1:21-1C are appended to this notice.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Glenn A. Grant, J.A.D.
Acting Administrative Director
of the Courts

Dated: September 10, 2020

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to RPC 7.5 of the Rules of Professional Conduct in the Rules Governing the Courts of the State of New Jersey and Rules 1:21-1A, 1:21-1B, and 1:21-1C of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

A handwritten signature in blue ink, likely of the Chief Justice, consisting of a stylized 'S' followed by a series of loops and a long horizontal stroke.

Chief Justice

Dated: September 9, 2020

RPC 7.5 Law Firm Names and Letterheads

(a) A lawyer shall not use a law firm name, letterhead, or other professional designation that violates RPC 7.1. [Except for organizations referred to in R. 1:21-1(e), the name under which a lawyer or law firm practices shall include the full or last names of one or more of the lawyers in the firm or office or the names of a person or persons who have ceased to be associated with the firm through death or retirement.]

(b) A law firm [with offices] practicing in more than one jurisdiction may use the same law firm name in [each jurisdiction] New Jersey, provided the law firm name complies with this Rule. In New Jersey, identification of all lawyers of the firm, in advertisements, on letterheads or anywhere else that the law firm name is used, shall indicate the jurisdictional limitations on those not licensed to practice in New Jersey. Where the name of an attorney not licensed to practice in this State is used in a law firm name, or where the law firm name does not include the name of a lawyer in the firm or the name of a lawyer who has ceased to be associated with the firm through death or retirement, any advertisement, letterhead or other communication containing the law firm name must include the name of at least one licensed New Jersey attorney who is responsible for the firm's New Jersey practice or the local office thereof.

(c) A law firm name shall not contain the name of any person not actively associated with the firm as an attorney, other than that of a person or persons who have ceased to be associated with the firm through death or retirement.

(d) Lawyers may state or imply that they practice in a partnership only if the persons designated in the law firm name and the principal members of the firm share in the responsibility and liability for the firm's performance of legal services.

(e) A law firm name may include additional identifying language such as "& Associates" only when such language is accurate and descriptive of the firm. Any law firm name including additional identifying language such as "Legal Services" or other similar phrases shall inform all prospective clients in the retainer agreement or other writing that the law firm is not affiliated or associated with a public, quasi-public or charitable organization. However, no firm shall use the phrase "legal aid" in its name or in any additional identifying language. Use of a trade name shall be permissible so long as it is [describes the nature of the firm's legal practice in terms that are accurate, descriptive, and informative, but] not misleading, comparative, or suggestive of the ability to obtain results. Where the law firm trade name does not include the name of a lawyer in the firm or the name

of a lawyer who has ceased to be associated with the firm through death or retirement, any advertisement, letterhead or other communication containing the law firm name must include the name of at least one licensed New Jersey attorney who is responsible for the firm's New Jersey practice or the local office thereof.

[Such trade names shall be accompanied by the full or last names of one or more of the lawyers practicing in the firm or the names of lawyers who are no longer associated in the firm through death or retirement.]

(f) In any case in which [an] a legal assistance organization referred to in R. 1:21-1(e) practices under a trade name [as permitted by paragraph (a) above], the name or names of one or more of its principally responsible attorneys, licensed to practice in this State, shall be displayed on all letterheads, signs, advertisements and cards or other places where the trade name is used.

Official Comment to RPC 7.5(e) by Supreme Court (July 27, 2015)

By way of example, "Millburn Tax Law Associates, John Smith, Esq." would be permissible under the trade name provision of this rule, as would "Smith & Jones Millburn Personal Injury Lawyers," provided that the law firm's primary location is in Millburn and its primary practice area is tax law or personal injury law, respectively. "John Smith Criminal Defense and Municipal Law" would also be permissible. However, neither "Best Tax Lawyers" nor "Tax Fixers" would be permissible, the former being comparative and the latter being suggestive of the ability to achieve results. Similarly, "Budget Lawyer John Smith, Esq." is not permissible as it is comparative and likely to be misleading; "Million Dollar Personal Injury Lawyer John Smith, Esq." is not permissible as it suggests the

ability to achieve results; and "Tough As Nails Lawyer John Smith, Esq." is not permissible as it purports to describe the lawyer and does not describe the nature of the firm's legal practice.

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraphs (a) and (d) amended, paragraph (e) amended and redesignated as paragraph (f) and new paragraph (e) added June 29, 1990, to be effective September 4, 1990; paragraph (a) amended January 5, 2009 to be effective immediately; paragraph (e) amended, and Official Comment adopted July 27, 2015 to be effective September 1, 2015; caption and paragraphs (a), (b), (c), (d), (e), and (f) amended September 9, 2020 to be effective immediately.

1:21-1A. Professional Corporations for the Practice of Law

(a) ... no change

(b) ... no change

(c) The corporate name of the professional corporation shall comply with the provisions of RPC 7.5 [and shall contain only the full or last names of one or more of its shareholders or members of a predecessor firm, whether the shareholder or member be living, deceased or retired]. Wherever the corporate name of the professional corporation is used it shall be followed by the phrase "A professional corporation," or by any other phrase or abbreviation authorized by N.J.S.A. 14A:17-14 to indicate that it is a professional corporation. When the professional corporation is a foreign professional legal corporation, the phrase shall also identify the state of incorporation (e.g., "A professional corporation incorporated in the State of New York"). The corporate name shall be used on all pleadings, correspondence or other documents. Correspondence, pleadings and other documents executed in connection with the practice of law shall be executed on behalf of the corporation by one of its attorney employees. Corporate documents executed other than in connection with the practice of law may be executed on behalf of the corporation by an authorized employee who is not licensed to practice law.

(d) ... no change

(e) ... no change

(f) ... no change

Note: Adopted December 16, 1969 effective immediately; paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraph (c) amended June 29, 1973 to be effective September 10, 1973; paragraphs (a), (b), (c), (d) and (e) amended and paragraph (f) adopted July 16, 1981 to be effective September 14, 1981; paragraph (c) amended January 16, 1984 to be effective immediately; paragraph (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended December 9, 1994 to be effective January 2, 1995; paragraphs (a), (b), (c), (e), and (f) amended April 30, 1996 to be effective immediately; paragraph (c) amended September 9, 2020 to be effective immediately.

1:21-1B. Limited Liability Companies for the Practice of Law

(a) ... no change

(b) ... no change

(c) The name of the limited liability company shall comply with the provisions of RPC 7.5 [and shall contain only the full or last names of one or more of its present members, or one or more of the members, partners, or shareholders of a predecessor firm, whether living, deceased or retired]. Wherever the name of the limited liability company is used it shall be followed by the phrase "A limited liability company," or by any other phrase or abbreviation authorized by N.J.S.A. 42:2B-3 to indicate that it is a limited liability company. In the case of a foreign limited liability company, the phrase shall also identify the jurisdiction of formation (e.g., "A limited liability company formed in the State of New York"). The limited liability company name shall be used on all pleadings, correspondence or other documents. Correspondence, pleadings and other documents executed in connection with the practice of law shall be executed on behalf of the limited liability company by one of its members, employees, agents or representatives who is an attorney licensed to practice law. Limited liability company documents executed other than in connection with the practice of law may be executed on behalf of the limited liability company by an authorized employee who is not licensed to practice law.

(d) ... no change

(e) ... no change

(f) ... no change

Note: Adopted November 18, 1996 to be effective January 1, 1997; paragraph (c)
amended September 9 2020 to be effective immediately.

1:21-1C. Limited Liability Partnerships for the Practice of Law

(a) ... no change

(b) ... no change

(c) The name of the limited liability partnership shall comply with the provisions of RPC 7.5 [and shall contain only the full or last names of one or more of its partners or partners of a predecessor firm, whether the partner be living, deceased or retired]. Wherever the name of the limited liability partnership is used it shall be followed by the phrase "A limited liability partnership," or by any other phrase or abbreviation authorized by N.J.S.A. 42:1A-48 to indicate that it is a limited liability partnership. In the case of a foreign limited liability partnership, the phrase shall also identify the jurisdiction of formation (e.g., "A limited liability partnership formed in the State of New York"). The limited liability partnership name shall be used on all pleadings, correspondence or other documents.

Correspondence, pleadings and other documents executed in connection with the practice of law shall be executed on behalf of the limited liability partnership by one of its attorney partners or employees. Partnership documents executed other than in connection with the practice of law may be executed on behalf of the limited liability partnership by an authorized employee who is not licensed to practice law.

(d) ... no change

Note: Adopted November 18, 1996 to be effective January 1, 1997; paragraphs (a)(1) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended September 9, 2020 to be effective immediately.