

NJ Attorneys Can Be Creative With Trade Names

Donald Scarinci

New Jersey attorneys who want to flex their creative muscle when naming their law firms have finally received the green light from the New Jersey Supreme Court. Trade names will now be allowed, so long as they are not misleading.

The court's decision calls for Rule of Professional Conduct 7.5 to be amended to permit a law firm name that "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." The name of the [New Jersey law firm](#) must be accompanied by the name of the attorney responsible for the management of the organization.

The issue of law firm trade names has been a hot topic for several years, with the court now finally coming around on the issue. "In balance, we have become convinced that trade names need not be forbidden in New Jersey and that we should align our law firms' naming options more in keeping with our sister states' recognition that use of trade names can be incorporated in the profession without harm to the public," the [opinion](#) concluded.

The court also acknowledged that there will still be some issues to flesh out and plans to establish a committee to decide how best to implement the change. It specifically noted the following considerations: whether registration should be required for use of a trade name; whether registration should require a fee; whether a law firm that uses only the name or names of deceased and retired members of the firm should be required to register such trade names if registration is to be required; and whether a name can be registered if it is not to be used in an active practice (essentially reserving it from use by other attorneys).

While the rules are certainly more flexible, it is important to recognize that there are still considerable restrictions. [New Jersey attorneys](#) hoping to name their firm the "Best New Jersey Law Firm Ever" will still be prohibited from doing so. Moreover, the Pennsylvania-based law firm at the center of the case, the Alpha Center for Divorce Mediation, still cannot use the term "alpha" when operating in New Jersey. The NJ Supreme Court concluded that "the word adds no informative content other than serving the impermissible purpose of invoking the notion of primacy."

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