

1 LEGAL ETHICS OPINION 1873

CONTINUED USE OF FORMER FIRM
NAME IN URL AFTER FIRM NAME
HAS CHANGED

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5 In this hypothetical, Smith and Jones are lawyers who previously practiced together in the
6 firm of Smith & Jones, P.C. Smith recently withdrew from the PC and formed a new law firm
7 with other lawyers. Jones continues to practice law with the PC. Pursuant to the requirements of
8 Rules 7.1(a), 7.5(a), and 7.5(d), Jones filed the necessary papers to legally change the name of
9 the PC from “Smith & Jones, P.C.” to “Jones Law Office, P.C.” At all relevant times before and
10 after the withdrawal of Smith, the PC has owned the Internet domain name and URL
11 “smithjones.com.” Since Smith’s withdrawal, the PC has established a new domain name and
12 URL, “joneslawoffice.com.” As the owner of the former domain name, the PC would like to
13 make arrangements to automatically redirect anyone who attempts to access smithjones.com to
14 joneslawoffice.com, or alternatively, to put a notice on the smithjones.com website that Smith &
15 Jones, P.C. has now become the Jones Law Office because of Smith’s withdrawal from the firm,
16 providing the date of Smith’s withdrawal and a link to joneslawoffice.com.

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18 QUESTION PRESENTED

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20 Is this redirection of Internet traffic permissible under Rule 7.5(d)? If it is not acceptable, is the
21 proposed website notice permissible?

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23 APPLICABLE RULES AND OPINIONS

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25 The relevant Rules of Professional Conduct are Rule 7.1(a)¹ and Rule 7.5(a) & (d)².

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27 ANALYSIS

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29 There is no doubt that the firm name cannot include the departed partner’s name once
30 that partner has joined another firm³. However, that does not necessarily imply that the domain
31 name and URL must be immediately abandoned once the partner departs the firm. Even after the
32 firm name changes, the domain name/URL will have value to former clients who are searching
33 for the firm using the name they are familiar with, or others who for whatever reason are not
34 aware of the firm name change. Because search results may be in part based on an individual’s
35 search history and other historical factors, a search for “Smith” or “Jones” may lead to

¹ Rule 7.1 Communications Concerning A Lawyer’s Services

(a) A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact when omission of such fact makes the statement materially false or misleading as a whole.

² Rule 7.5 Firm Names And Letterheads

(a) A lawyer shall not use a name, 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.

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

³ Rule 7.5(d); LEO 1704.

36 “smithjones.com” even after Smith’s departure and the resulting name change⁴. For these
37 reasons, it would not serve the interests of the public, including former/potential clients, or the
38 partners in the former firm who collectively built goodwill and created value associated with that
39 firm name, to require that all use of the domain name and URL be discontinued immediately
40 once the partners separate. On the other hand, a domain name/URL containing the firm name is a
41 “professional designation” for purposes of Rule 7.5(a) and accordingly may not contain a false or
42 misleading statement.

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44 While placing a notice on the smithjones.com website is an appropriate way of explaining
45 why smithjones.com is no longer the Smith & Jones website, the content of the notice may not
46 be misleading. The notice proposed in this hypothetical, which would say that Smith & Jones,
47 P.C., “has now become” the Jones Law Office, is misleading without the additional information
48 that Smith also continues to practice law, because it implies that Smith may no longer be
49 available to represent clients and that clients of Smith & Jones will be represented by Jones.

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51 The other proposed solution, redirecting smithandjones.com to joneslawoffice.com, also
52 requires some additional information in order to avoid being misleading. Automatically
53 redirecting traffic to joneslawoffice.com without providing some explanation, either as part of
54 the redirecting process or on the joneslawoffice.com website, is misleading for the same reason
55 that the proposed notice above is misleading: it implies that Smith may not be available for
56 continued representation and that Jones may be the only remaining option for representation.
57 Even if Jones has the legal right to control the smithjones.com domain name/URL, redirecting
58 traffic to joneslawoffice.com is appropriate only if joneslawoffice.com, or a page visible during
59 the process of redirecting, explains the change from Smith & Jones to Jones Law Office and that
60 Smith continues to practice law in a different firm. Clients are entitled to their choice of lawyer,
61 and Jones may not impede that choice by refusing to provide information about the change in the
62 name and composition of the firm. See LEO 1506.

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64 This opinion is advisory only and is not binding on any court or tribunal.

⁴ See, e.g., “Google Accounts & Web History,” available at <http://www.google.com/goodtoknow/data-on-google/web-history/> (discussing Google’s use of personal information to customize search results).