

Thursday

30th

June, 2005.

On July 15, 2004 came the Virginia State Bar, by David P. Bobzien, its President, and Thomas A. Edmonds, its Executive Director and Chief Operating Officer, and presented to the Court a petition, approved by the Council of the Virginia State Bar, praying that Rules 7.2(b) and (e) and 7.5 comment [1], Section II, of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be amended. The Court rejects the proposed amendment to Rule 7.2(b) and amends Rules 7.2(e) and 7.5 comment [1] to read as follows:

Rule 7.2. Advertising.

* * *

e. Advertising made pursuant to this Rule shall include the full name and office address of an attorney licensed to practice in Virginia who is responsible for its content or, in the alternative, a law firm may file with the Virginia State Bar a current written statement identifying the responsible attorney for the law firm's advertising and its office address, and the firm shall promptly notify the Virginia State Bar in writing of any change in status.

Rule 7.5. Firm Names and Letterheads.

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COMMENT

1. A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated by a distinctive website address or comparable professional designation. Although the Supreme Court of the United States has held that legislation may prohibit the use of trade names

in professional practice, use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a retired or deceased partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. For many years some law firms have used a firm name retaining one or more names of deceased or retired partners and such practice is not improper if the firm is a bona fide successor of a firm in which the deceased or retired person was a member, if the use of the name is authorized by law or by contract, and if the public is not misled thereby. However, the name of a partner who withdraws from a firm but continues to practice law should be omitted from the firm name in order to avoid misleading the public.

Upon consideration whereof, it is ordered that the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be and the same hereby are amended in accordance with the prayer of the petition aforesaid, to the extent it relates to Rules 7.2(e) and 7.5 comment [1], effective immediately.

A Copy,

Teste:

Clerk