

RULES OF PROFESSIONAL CONDUCT
RULE 16-705
[WITHDRAWN]

Supreme Court Approved
November 1, 2021

1 ~~[16-705. Firm names and letterheads.~~

2 ~~——— A.——— **Use of trade or firm name.** A lawyer shall not use a firm name, letterhead or other~~
3 ~~professional designation that violates Rule 16-701 NMRA of the Rules of Professional Conduct.~~

4 ~~A trade name may be used by a lawyer in private practice if it does not imply a connection with a~~
5 ~~government agency or with a public or charitable legal services organization and is not otherwise~~
6 ~~in violation of Rule 16-701 NMRA of the Rules of Professional Conduct.~~

7 ~~——— B.——— **Multi-jurisdictional law firms.** A law firm with offices in more than one~~
8 ~~jurisdiction may use the same name or other professional designation in each jurisdiction, but~~
9 ~~identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on~~
10 ~~those not licensed to practice in the jurisdiction where the office is located.~~

11 ~~——— C.——— **Use of names of lawyers holding public office.** The name of a lawyer holding a~~
12 ~~public office shall not be used in the name of a law firm, or in communications on its behalf, during~~
13 ~~any substantial period in which the lawyer is not actively and regularly practicing with the firm.~~

14 ~~——— D.——— **Statements about association.** Lawyers may state or imply that they practice in a~~
15 ~~partnership or other organization only when that is the fact.~~

16 ~~[As amended by Supreme Court Order No. 08-8300-29, effective November 3, 2008] Withdrawn~~
17 ~~by Supreme Court Order No. 21-8300-014, effective December 31, 2021.]~~

18 ~~[——— **Committee commentary.**———~~

19 ~~——— [1]——— A firm may be designated by the names of all or some of its members, by the names~~
20 ~~of deceased members where there has been a continuing succession in the firm's identity or by a~~
21 ~~trade name such as the "ABC Legal Clinic". A lawyer or law firm may also be designated by a~~
22 ~~distinctive website address or comparable professional designation. Although the United States~~
23 ~~Supreme Court has held that legislation may prohibit the use of trade names in professional~~

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1 practice, use of such names in law practice is acceptable so long as it is not misleading. If a private
2 firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic", an
3 express disclaimer that it is a public legal aid agency may be required to avoid a misleading
4 implication. It may be observed that any firm name including the name of a deceased partner is,
5 strictly speaking, a trade name. The use of such names to designate law firms has proven a useful
6 means of identification. However, it is misleading to use the name of a lawyer not associated with
7 the firm or a predecessor of the firm, or the name of a non-lawyer.

8 ——— [2] ——— With regard to Paragraph D, lawyers sharing office facilities but who are not in fact
9 associated with each other in a law firm may not denominate themselves as, for example, "Smith
10 and Jones", for that title suggests that they are practicing law together in a firm.

11 [Adopted by Supreme Court Order No. 08-8300-29, effective November 3, 2008 Withdrawn by
12 Supreme Court Order No. 21-8300-014, effective December 31, 2021.]