

COMMITTEE: **Ethics Committee**

DATE: **April 6, 2006**

### **3. CHAPTER 14: FIRM NAMES**

The Committee considered a number of questions relating to firm names arising out of the marketing rules:

1. Do the existing rules prevent lawyers from commencing to use a firm name that is so similar to the name in use by an existing firm that it may cause confusion to the public?
2. If the existing rules are not sufficient to do that, is there merit in amending the rules to make such a prohibition clear?
3. Is there merit in amending Chapter 14, Rule 9 to
  - (a) refer to Rule 4 rather than just to Rule 4(e), and
  - (b) stipulate that a lawyer's firm name must make it clear that the lawyer's business is that of a lawyer?
4. Is the proposed name "B – Lawyers" (where B is the full last name of the lawyer in question) sufficiently close to the firm name "B and Company," currently in use that it would be improper for the second Mr. B to use it? Is it improper because it suggests Mr. B, a sole practitioner, is more than one lawyer?

It was the Committee's view that the existing rules are sufficient to prevent lawyers from using a firm name that is sufficiently similar to the name in use by an existing firm that it may cause confusion to the public if it is used. Although it would be preferable for Rule 9 to refer to Rule 4 rather than just to Rule 4(e), it was the Committee's opinion that the reference to Rule 4(e) alone is sufficient to prohibit confusing firm names. The Committee agreed an amendment of Rule 9 to give effect to this preference is desirable, but was of the view that such an amendment would be justifiable only at a time when more general amendments are being made to Chapter 14.

Although the Committee was of the opinion that lawyers must not mislead anyone about the nature of their work, it is not necessary to have a rule that requires lawyers to specify in their firm name that the business is that of a lawyer.

In the Committee's opinion, a lawyer who proposes to use the firm name "B – Lawyers" to practise law in Vancouver is prohibited from doing so for two reasons: the name is sufficiently close to the name "B and Company" which is currently being used by a lawyer in North Vancouver that it may reasonably be confusing to the public. In addition, the use of the term "lawyers" implies that there is more than one lawyer at the

firm. Since Mr. B proposes to practise as a sole practitioner, the use of the name in this fashion is misleading and therefore improper.

JO/  
April 6, 2006.