
26 August 2021

Notice

NAMING OF A PRACTICE IN TERMS OF CLAUSE 15.3 OF THE CODE OF CONDUCT

Legal practitioners are advised that the Council considered what style or name of a firm will be acceptable in the event the firm name is not styled under the name of the current or former directors or partners of such firm or as a derivative of such name(s) as prescribed by the Code of Conduct ("Code").

Paragraph 15.3 of the Code provides as follows:

15.3 An attorney in private practice shall practise only under a style or name which –

15.3.1 is his or her own name or the name of a former proprietor of, or partner or director in, such practice if he or she practises without partners; or

15.3.2 contains the names of any or all of the present partners or directors or former partners or directors of or in such firm if he or she practises in partnership or as a juristic entity; or

15.3.3 is a derivative of the names referred to in paragraphs 15.3.1 or 15.3.2, or is the name of a national or international legal practice of which the attorney is an employee or with which the attorney or his or her firm is associated or of which he or she or his or her firm forms part, unless the Council in the particular circumstances prohibits the use of that name; or

15.3.4 the Council has first approved in writing, in the case of any other name.

In terms of paragraph 15.3.4 of the Code the Council can approve the use of any other name and the *criteria* for allowing such names is not prescribed in the Code.

Council has considered paragraph 15.3.4 of the Code and has resolved to approve the use of the following words in firm names: "& Associates" or "& Company" / "& Co" for a sole proprietorship and incorporated company respectively.

Council has further resolved that it may on a case by case basis, and only with the Council's prior consent, allow the use of a nickname or family (clan) name in a firm's name, after consideration of a motivation by the firm, which must include proof of the link between the owner/partner(s) or directors of the firm and the proposed nickname or family (clan) name.

The words “Law”, “Legal Practitioners” and “Property” may not be included in the name of a firm but may be used as part of its business description.

Issued by the Legal Practice Council