

Digest of Ethics Advisory Panel  
Opinion #91-43, Request #153  
Issued July 18, 1991

An attorney seeks Panel advice concerning the attorney's ethical obligations under circumstances in which the attorney has entered into an expense and space sharing agreement for the practice of law with a lawyer who represents the opposing party in a post final judgment petition regarding custody, visitation and the support of two minor children.

The Panel takes the position that if one of the attorneys does not withdraw from representation of his client, neither attorney can proceed with the representation. The Panel bases its opinion on the comments to Rule 1.10 which state that a lawyer who becomes associated with another lawyer or law firm must maintain the secrets and confidences of the lawyer's clients. The Panel is of the opinion that your association with Attorney Y creates an appearance of impropriety because the attorneys share administrative staff, secretarial services, and have "access" to each other's files.