

ETHICS ADVISORY PANEL
OPINION #93-66, REQUEST #405
Issued September 14, 1993

Attorneys A, B, C and D share office space and operate four (4) separate practices. Each attorney maintains a separate client account and has separate business cards, stationery, files and telephone directory listings. They do, however, share secretarial and office expenses. The attorneys display a sign in front of their office which states "Law Offices" and lists vertically each attorney's name. Beneath their names, the sign states the phrase "An Association of Independent Attorneys." From time to time, they also place an advertisement in a local newspaper which contains the same phrase after their names.

The attorneys inquire as to whether the office sign and the advertisement are misleading. They also ask whether it is proper to share secretarial services.

Rules 7.1 and 7.5 govern restrictions on information about legal services. Rule 7.1 states that "[a] lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services." Rule 7.5(a) provides that "[a] lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 7.1." Rule 7.5(d) states that "[l]awyers may state or imply that they practice in a partnership or organization only when that is the fact."

In this situation, the Panel is of the opinion that the inquiring attorneys are not stating or implying that they are a partnership. The phrase "an association of independent attorneys," as stated on the attorneys' office sign and in their advertisement, does not violate the above stated Rules. However, for the purpose of Rule 1.10, entitled "Imputed Disqualification," they will be regarded as a firm. The comment to Rule 1.10 indicates that any two (2) or more lawyers who list their names successively in any form of advertising will be regarded as a firm for the purposes of Rule 1.10, notwithstanding disclaimers such as "an association of independent attorneys."

With respect to the propriety of the attorneys sharing secretarial services, the Panel believes that such an arrangement is not directly addressed by the Rules. The Panel cautions, however, that there is a potential risk of compromising client confidences under this practice. Whether confidentiality is preserved depends on the attorneys' access to information and is a question of fact depending on the particular circumstances.