

DIGEST OF ETHICS ADVISORY PANEL
OPINION 88-5, REQUEST #27
Issued May 13, 1988

An attorney seeks Panel advice concerning the propriety of certain office stationery, signs and secretarial arrangements. The attorney advises the Panel that he shares stationery, secretarial support, office expenses and signs with two other lawyers. The attorney indicates, however, that no partnership agreements or employer-employee relationships exist among the three lawyers.

The attorney first directs the Panel's attention to his stationery. It shows the words "Law Offices" at the top, with one attorney's name and the office address underneath. At the left margin the three attorney names appear in a column; a single area code and number are shown at the right margin.

Disciplinary Rule 2-102(B) provides, in pertinent part that "[a] lawyer in private practice shall not practice under . . . a name that is misleading as to the identity of the lawyer or lawyers practicing under such name . . ." Disciplinary Rule 2-102(C) provides that "[a] lawyer shall not hold himself out as having a partnership with one or more lawyers unless they are in fact partners."

To comport with the requirements of the Code of Professional Responsibility, lawyers who share space but are not associated as partners or members of a professional corporation must evidence this independence through the use of separate letterheads. In light of the circumstances presented to the Panel the letterhead submitted for review violates DR 2-102(B) and DR 2-102(C).

The attorney's second inquiry focuses on the law office signs, but in the absence of pictures or diagrams of the signs, it is impossible for the Panel to render an opinion.

The attorney's final query is whether it is proper for the secretary to answer the phone for all three lawyers simply by saying "Law Offices." The Panel takes the position that this is proper, since it does not contribute to the misapprehension that the three lawyers who share space are partners or members of a single professional corporation.

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.