

DIGEST OF ETHICS ADVISORY PANEL
Opinion #92-33 – Request #252
Issued July 23, 1992

An attorney seeks Panel advice concerning the attorney's ethical obligations under circumstances where the attorney shares office space for the practice of law with an attorney who is also a member of a city council. The attorney's concern is whether the office sharing with this attorney creates a conflict of interest if the attorney practices before any municipal entity of the same city. The attorney advises the Panel that the stationery, malpractice insurance policies and bank accounts are separate for each attorney.

Rule 7.5 entitled "Firm Names and Letterheads" addresses the limitations of attorneys when naming a law firm. The described office sharing arrangement does not constitute a "law firm." The Panel bases its position upon the attorney's representations that the insurance policies, bank accounts and stationery will not confuse or mislead the public. Furthermore, each attorney explicitly holds himself/herself as independent practitioners.

In addition, the comments to Rule 1.10 "Imputed Disqualification: General Rule" states that:

Whether two or more lawyers constitute a firm within this definition can depend on the specific factstwo practitioners who share office space and occasionally consult or assist each other ordinarily would not be regarded as constituting a firm.

The Panel believes that the described office sharing arrangement is not a law firm. As a result, the attorney is not disqualified from practicing law before the city's municipal entities pursuant to the Rules. See also attached copy of Disciplinary Board Policy: Rules Relating to Attorneys Sharing Office Space.