

On Sharing Office Space

Opinion of the NH Bar's Ethics Committee on Non-Partners Sharing Office Space, 2/19/80.

Question: Given the provisions of DR 2-102 (c), "A lawyer should not hold himself out as having a partnership with one or more other lawyers unless they are in fact partners," how would the Ethics Committee advise a New Hampshire attorney sharing office space, a common telephone number and clerical help to conduct his practice so as to avoid violation?

Opinion: It has become a common practice in New Hampshire for sole practitioners to share office space. While there are definite economies in sharing library facilities, reception area, secretarial personnel and the joint lease or ownership of certain business equipment such as copying machines, the attorneys entering into such an arrangement must realize the potential of misleading the public as to their true status and must scrupulously avoid the impression of partnership with a non-partner attorney.

DR 2-102 (B) prohibits a lawyer from practicing under a name that is misleading as to the identity of the lawyer or lawyers practicing under such name.

ETHICS OPINION

Therefore, care should be taken to use separate letterhead, have separate signs on the door, and separate outdoor identifying signs. When sharing office space, each attorney should also maintain separate files, bank accounts and other financial records. It does not seem appropriate to the Committee to share a phone number as the potential for misleading the public is great. If the attorneys elect to have a common reception area and receptionist, care should be taken in instruction so that a receptionist or telephone operator properly identifies to clients that there are two separate offices.

The Ethics Committee, which issues opinions on the Code of Professional Responsibility, is chaired by Michael R. Callahan of Concord. Committee members are Arthur M. Connelly, Robert B. Field Jr. and Joseph A. Millimet of Manchester, Paul A. Gruber of Lisbon, Arthur W. Hoover of Rochester, William A. Ingram of Whitefield, Walter L. Mitchell 3d of Laconia, Robert H. Reno of Concord and Wilfred L. Sanders Jr. of Hampton

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Hearing on Conduct Rules May 5

The ABA's Commission on Evaluation of Professional Standards will hold a hearing on the Commission's proposed Model Rules of Professional Conduct at New York City's Roosevelt Hotel Monday, May 5, from 9 am to 5 pm.

People wishing to speak at the hearing are asked to notify the National Center for Professional Responsibility at the American Bar Association, 77 South Wacker Dr., Chicago, Ill. 60606; telephone 312-621-9250.

The Commission also invites written comments, which may be sent to its reporter,

Prof. Geoffrey C. Hazard Jr., Yale Law School, Box 401A Yale Station, 127 Wall St., New Haven, Conn. 06520.

The model Rules of Professional Conduct seek to translate the model Code of Professional Responsibility into specific rules governing law practice.

The model Rules would not bind New Hampshire lawyers unless approved by the NH Supreme Court, the only agency which governs law practice in New Hampshire.

Neither the Court nor the NH Bar is now considering the Rules.

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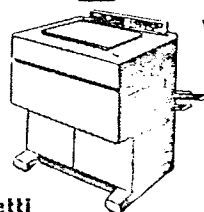
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