



**ILLINOIS STATE
BAR ASSOCIATION**

ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in July 2010. Please see the 2010 Illinois Rule of Professional Conduct 7.5(d) with its Comment [2]. This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

**Opinion No. 764
March 26, 1982**

Topic: Lawyers having an office-sharing arrangement cannot use common stationery.

Ref: EC 2-13; ISBA Opinion 212; ABA Informal Opinion 1378

QUESTION

Three lawyers have an office-sharing arrangement. Each shares equally in the office overhead. There is no sharing of fees or profits and losses, except on a case-by-case basis as negotiated between the individual attorneys. The lawyers inquire whether they may use common stationery.

OPINION

Lawyers having an office-sharing arrangement cannot use common stationery because the public may be misled as to the relationship among them.

In ISBA Opinion 212, we held that it was not proper for several lawyers who shared an office to operate under a firm name because it gave prospective clients a false impression that the relationship between the lawyers in the group was one in which there was a sharing of professional responsibility for the handling of the client's matter. The use of the firm name under those

circumstances violated former Canon 33, which provided that no false or misleading firm name could be used.

The policy considerations underlying ISBA Opinion 212 are embodied in ISBA Ethics Consideration 2-13, which provides as follows:

In order to avoid the possibility of misleading persons with whom he deals, a lawyer should be scrupulous in the representation of his professional status. He should not hold himself out as being a partner or associate of a law firm if he is not one in fact, and this should not hold himself out as a partner or associate if he only shares offices with another lawyer.

In ABA Informal Opinion 1378, two separate law firms had an adjoining suite of offices with a common entrance, common receptionist, common library and conference room. The opinion held that the two firms could not reflect on their stationery and in law directories that there was a close relationship between the two firms, even if their respective legal distinction were recognized, such as showing that each firm was "of counsel" to the other. Under the circumstances, the opinion was concerned that the relationships of the lawyers practicing under the firm name of either firm would be misleading and that this type of dual and divided responsibility could be confusing to the public and contrary to ABA Ethical Consideration 2-13 (which is identical to ISBA Ethical Consideration 2-13).

The use of common stationery by lawyers having an office-sharing arrangement is likely to mislead the public as to the relationship between the lawyers and who has responsibility for the legal services performed. If the use of a letterhead under these circumstances were to be considered advertising under Rule 2-101, such a listing would be prohibited because even though it might be construed as containing all information necessary to make the listing not misleading, it might nevertheless operate to deceive the public. See Rule 2-101(b).