



ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in May 2010. Please see the 2010 Illinois Rules of Professional Conduct 1.6, 5.4, and 7.3. 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. 90-6
November 6, 1990**

Topic: Sharing of office space and facilities with non-lawyer business.

Digest: It is not professionally improper for a law firm and a financial planning business to share certain space and facilities, so long as client confidences are preserved and there is no improper solicitation or division of fees.

Ref: ISBA Opinion Nos. 326, 431, 203; 85-3
Illinois Rules of Professional Conduct, Rules 7.3, 5.4, Rule 1.6

FACTS

A law firm's client, engaged in financial planning services, occupies an office building in a town immediately adjacent to the law firm's office. The financial planning firm and the law firm deal regularly with many individuals who are mutual clients. The financial planning firm has suggested that the law firm establish a branch office in the building occupied by the financial planning firm so as to better serve the mutual clientele of the financial planning firm and law firm. The three partners of the law firm also reside in the town where the prospective offices are located, which may make it a desirable location for a branch office even apart from the suggestion from the financial planners.

Under the proposal, the law firm would occupy a part of the office space occupied by the other

business, but the law firm's offices would be separately identified and would maintain its own telephone lines, staff, books and records. There would be a common reception area and the two firms would share miscellaneous items such as copying machines.

QUESTIONS

Does the proposed arrangement for sharing of office space and facilities between a law firm and a law-related business, which is a client of the firm, violate any provision of the Code of Professional Responsibility?

OPINION

The matter of shared office space between a law firm and another law-related business has been the subject of several previous opinions. In ISBA Advisory Ethics Opinion No. 326, it was held that an office arrangement whereby a lawyer and an insurance broker occupied adjoining offices served by a common waiting room which had a single entrance from the street was not professionally improper if there was no indication of a formal association between the two firms or that the insurance office was a source of business for the attorney.

In ISBA Advisory Ethics Opinion No. 431, the committee approved an arrangement in which an attorney rented rooms from his office suite to a tax practitioner, where there was no sharing of fees and the tax practitioner did not refer legal business to the attorney and was not held out as an associate or in any way connected with the attorney.

In ISBA Advisory Ethics Opinion No. 203, it was held that any arrangement for sharing of office space between a lawyer and a non-lawyer must clearly separate the names and the professions or businesses of each. (See also Advisory Ethics Opinion 85-3)

The Illinois Rules of Professional Conduct contain no specific provisions governing this question. The Committee accordingly concludes that, subject to the rules governing solicitation (Rule 7.3), preservation of client confidences (Rule 1.6), and improper division of fees (Rule 5.4), the proposed arrangement does not violate the Code of Professional Responsibility.

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