

Nebraska Ethics Advisory Opinion for Lawyers  
No. 75-13

THE SHARING OF OFFICES BY LAWYERS PRECLUDES ONE OF THOSE WHO SO SHARES WITH ANOTHER FROM ACCEPTING A CASE WHICH THE OTHER CANNOT ETHICALLY ACCEPT.

QUESTION PRESENTED

In view of the fact that The Advisory Committee has ruled partners or associates of a lawyer cannot undertake any representation which the lawyer is ethically prohibited from undertaking, the Committee's opinion is requested as to whether such prohibition extends to one who is neither a partner or an associate but simply offices with and pays rental to the lawyer or law firm which is precluded from the representation. The inquiring lawyer has his own stationery and professional cards with no reference thereon to the other lawyer or law firm, and his name on the entrance door indicates his separate office.

DISCUSSION

We believe that the question posed above has been answered by the American Bar Association's Standing Committee on Professional Ethics in its Informal Opinions Numbered 995 and 885. Informal Opinion 995 is brief and is quoted in full:

"You have inquired whether a lawyer who shares office space with another lawyer who has been disqualified from representing a plaintiff is likewise disqualified from representing that plaintiff. As so stated, we cannot answer your inquiry, as it involves a question of law, which under our Rules of Procedure we are prohibited from answering.

"If, however, your question is rephrased to

inquire whether a lawyer sharing offices with another is precluded ethically from representing a client whom the other lawyer cannot represent, then the answer appears clear. Canon 6 specifically prohibits the representation of conflicting interests. In Formal Opinion 33, this Committee held that this Canon would prohibit a partner from representing a client whom another member of the partnership could not ethically represent. In Informal Opinion 284 we held:

'Two lawyers who share offices, although not partners, bear such close relation to one another as to bring Canon 6 into play.'

"To the same effect are Formal Opinion 104, Informal Opinion 855, and Drinker, Legal Ethics, page 106.

"These opinions and decisions appear to apply directly to the situation regarding which you inquire. We, therefore, hold that regardless whether or not under the circumstances which you describe a lawyer who shares office space with another lawyer who is disqualified from representing a client is likewise disqualified from representing that client, he may not ethically do so."

Wise in his book Legal Ethics in the chapter on "Conflicting Interests" in referring to the formal and informal opinions of the American Bar Association's Standing Committee on Professional Ethics on Page 268, states:

"They have decided that lawyers who share offices, even though not partners, bear a sufficiently close relation to each other that they should not be on opposite sides of a case or otherwise represent inconsistent interests. Thus, a lawyer who shares offices with a public official who is allowed to practice law should not appear in any

manner in which the official has a duty to perform."

The correlation to the old Canon 6, Adverse Influences and Conflicting Interest to the present Disciplinary Rules are DR 4-101, DR 5-101 through 5-107.

This Committee concurs in the position taken by the ABA's Committee on Ethics and therefore concludes that the sharing of offices by lawyers precludes one of those who so shares from undertaking a representation which the other cannot ethically undertake.

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