

9**OFFICE SHARING — “ASSOCIATES”**

Adopted June 26, 1959.

Addendum issued 1995.

Syllabus

A lawyer who merely rents office space to other lawyers may not represent by his letterhead, telephone listing, or otherwise, that the other lawyers are associated with him nor may he include their names with his in a firm name.

Facts

A lawyer, A, represents by his letterhead, telephone listing, and otherwise, that he is a member of the firm A, B, and C. By the same means he represents that D, E, and F are associated with or employed by the firm. In fact, no partnership or employer-employee relationship exists, nor are B, C, D, E, and F associated with A in any manner other than to rent space from him.

Opinion

In the opinion of the Committee, these representations violate the Canons of Ethics.

This case is similar to our previous Opinion No. 8, but more aggravated. ABA Opinion No. 106, cited therein, prohibits a lawyer from representing that other lawyers are partners (by inclusion in a firm name) when they are merely employees; and, therefore, this cannot be done when they are merely tenants, as above. See Canons 27, 32, and 33. As stated in Opinion No. 8, such representations are misleading in that they imply an association which, in fact, does not exist.

1995 Addendum

This Opinion was based upon the Canons of Professional Ethics, the predecessor to the Code of Professional Responsibility. The Colorado Rules of Professional Conduct became effective on January 1, 1993, replacing the Code of Professional Responsibility. While the language of the Rules is somewhat different from the Code and the Canons, the Ethics Committee considers this Opinion to continue to provide guidance to attorneys in this area. Attorneys are cautioned to review The Colorado Code of Professional Responsibility (found in the *Colorado Ethics Handbook*), to update the research contained in this Opinion and to conduct any independent research necessary.

Relevant provisions of the Colorado Rules of Professional Conduct, which should be examined together with this Opinion, are Rule 7.1 (requiring that communications concerning a lawyer's services not be false or misleading); and Rule 7.5 (regarding firm names and letterheads). The Ethics Committee directs attorneys to Opinion 89 and the relevant provisions of the Colorado Rules of Professional Conduct contained in that opinion. This opinion is supplemented by Opinion 89 which should be reviewed in conjunction with the Rules.