

FORMAL OPINION NO. 49*

OFFICE ASSOCIATION OF ATTORNEYS

The Committee has been requested to voice its opinion in the situation presented by the following question:

"Where A and B, both practicing attorneys, share offices, but are not partners, may they properly represent different clients who have interests conflicting with one another?"

It is assumed, for the purpose of this opinion, that A and B maintain completely separate office organizations and thus have no joint interests of any nature except the circumstances of the joint occupation of office space.

The situation clearly creates a relationship between A and B which will indicate to the public, even though it is generally known that they are not partners, that there is more than a casual professional relationship between them. The American Bar Association Committee on Professional Ethics has said (in Opinion 284A) "Two lawyers who share offices, though not partners, bear such a close relationship to one another as to bring Canon 6 into play." Henry S. Drinker, in his work, Legal Ethics, at page 106, covers the situation briefly in the following words:

"The injunction not to represent conflicting interests applies equally to law partners representing different clients who have interests conflicting with one another; also to lawyers, not partners, having offices together; . . ."

It would seem that it is possible that a circumstance might exist where it would be entirely proper for two lawyers, situated as are A and B, to represent differing clients and possibly to the satisfaction of both clients. There must be taken into consideration, however, other aspects of such a situation, and particularly the appearance of such a situation to the public. In the words of the American Bar Association Committee, "Lawyers should not conduct themselves in such a way as to impair the confidence which the community have in the administration of justice."

It is our opinion, therefore, that as a general rule, attorneys sharing offices, even though they are not partners, should not represent clients having interests conflicting with one another.

DATED this 19th day of November, 1969.

*The same reasoning applies under DR 5-105 and Canon 9 of the Idaho Code of Professional Responsibility. See also, I.S.B. Opinion No. 94 (May, 1976).