

# AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

**Formal Opinion 507**

**July 12, 2023**

## **Office Sharing Arrangements with Other Lawyers**

*It is generally permissible for lawyers to participate in office sharing arrangements with other lawyers under the ABA Model Rules of Professional Conduct. At the same time, office sharing lawyers should appreciate that such arrangements will require them to take appropriate measures to comply with their ethical duties concerning the confidentiality of information, conflicts of interest, supervision of non-lawyers, and communications about their services. The nature and extent of any additional safeguards will necessarily depend on the circumstances of each arrangement.*

### **I. Introduction<sup>1</sup>**

Office sharing among lawyers comes in many forms—lawyers with separate law practices sharing office space, support staff, and equipment; law firms renting unused office space to unaffiliated lawyers; or even lawyers sharing an office suite, receptionist, and conference room as part of a virtual law practice or on a temporary basis. Lawyers participating in these arrangements must take appropriate steps to secure client information and clearly communicate the nature of the relationship to the public and their clients.<sup>2</sup> In addition, there are potential conflicts of interest issues that office sharing lawyers must appreciate, including imputed conflicts for lawyers “associated in a firm,” representing clients with adverse interests, and consultations between lawyers. This opinion addresses some minimum ethical requirements and suggested practices arising in the office sharing context, particularly in the areas of confidentiality, conflicts of interest, supervision, and communications concerning a lawyer’s services.

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<sup>1</sup> This opinion is based on the ABA Model Rules of Professional Conduct as amended by the ABA House of Delegates through February 2023. The laws, court rules and opinions, regulations, and rules of professional conduct, promulgated in individual jurisdictions are controlling.

<sup>2</sup> Compliance with the obligations imposed by the Model Rules of Professional Conduct, as discussed in this opinion, depends on a lawyer’s role, level of authority, and responsibility in the law firm’s operations. ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 483, at n. 6 (2018). *See generally* ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 467 (2014). *See* MODEL RULES OF PROF’L CONDUCT R. 5.1 (2022) (Responsibilities of Partners, Managers, and Supervisory Lawyers); MODEL RULES OF PROF’L CONDUCT R. 5.2 (Responsibilities of a Subordinate Lawyer); and MODEL RULES OF PROF’L CONDUCT R. 5.3 (Responsibilities Regarding Nonlawyer Assistance).

## II. Discussion

### A. Protecting Client Information

Confidentiality is central to the practice of law.<sup>3</sup> Maintaining the confidentiality of client information is therefore imperative for lawyers in an office sharing arrangement.<sup>4</sup> The mere sharing of office space does not automatically equate with the disclosure of client information.<sup>5</sup> The physical arrangement of the shared office space, however, must not expose client information to other office-sharing lawyers and their staff. Everyone should also avoid discussing cases in or near common areas, which could lead to the disclosure of client information.<sup>6</sup>

Depending on the specific circumstances of the office sharing arrangement, lawyers may need to consider additional confidentiality safeguards. This could include separate lobby or waiting areas; refraining from leaving client files out on workspaces, conference rooms, or kitchen tables; installing privacy screens on computer monitors and locking down computers when not actively in use; clean desk policies; and regular training and reminders to staff of the need to keep all client information confidential.<sup>7</sup> Office sharing lawyers can also restrict access to client-related information by securing physical client files in locked cabinets or offices and using separate telephone lines and computer systems.<sup>8</sup> Lawyers, however, may overcome confidentiality concerns with shared telephone and computer systems with appropriate security measures, staff training, and client disclosures.<sup>9</sup>

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<sup>3</sup> See MODEL RULES OF PROF'L CONDUCT R. 1.6(a) (providing that "[a] lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b)").

<sup>4</sup> State Bar of Cal. Comm. on Prof'l Responsibility & Conduct Op. 1997-150, 1997 WL 240818, at \*3-4 (1997); Conn. Bar Ass'n Prof'l Ethics Comm. 2014-04, 2014 WL 12823983, at \*1 (2014); D.C. Bar Ass'n Op. 303, at 1 (2001) [hereinafter D.C. Bar Op.]; La. State Bar Ass'n Rules of Prof'l Conduct Comm. Op. 07-RPCC-013, at 1 (2007); Mich. State Bar Comm. on Prof'l & Judicial Ethics Op. RI-249, 1996 WL 381521, at \*2 (1996) [hereinafter Mich. State Bar Op. RI-249]; Mo. Bar Informal Op. 950169, at 1 (1995); N.J. Sup. Ct. Advisory Comm. on Prof'l Ethics Op. 498, 1982 WL 117856, at \*1 (1982); Ohio Bd. of Prof'l Conduct Advisory Op. 2022-11, 2022 WL 10219976 (2022); Ohio Bd. of Prof'l Conduct Advisory Op. 2017-05, 2022 WL 10219976, at \*1 (2017).

<sup>5</sup> Ill. St. Bar Ass'n Comm. on Prof'l Ethics Advisory Op. 85-14, 1986 WL 378934, at \*4 (1986).

<sup>6</sup> State Bar of Cal. Comm. on Prof'l Responsibility & Conduct Op. 1997-150, 1997 WL 240818, at \*3-4 (1997); Colo. Bar Ass'n Ethics Comm. Op. 89, at 5 (2018); Mich. State Bar, Comm. on Prof'l & Judicial Ethics Op. RI-313, 1999 WL 406884, at \*1 (1999); N.Y. State Bar Ass'n Comm. on Prof'l Ethics Op. 794, 2006 WL 1386607, at \*4 (2006).

<sup>7</sup> See, e.g., ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 498, at 3-7 (2021) [hereinafter ABA Formal Op. 498] (discussing technologies and related strategies to protect the confidentiality of client information in a virtual practice).

<sup>8</sup> Colo. Bar Ass'n Ethics Comm. Op. 89, *supra* note 6, at 4-7; Ind. State Bar Ass'n Legal Ethics Comm. Op. 8, at 2-3 (1985); D.C. Bar Op. 303, *supra* note 4, at 1; Mo. Bar Informal Op. 980220, at 1 (1998); N.Y. State Bar Ass'n Comm. on Prof'l Ethics Op., 2012 WL 6087183, at \*1-2 (2012); Ohio Bd. of Prof'l Conduct Advisory Op. 91-9, 1991 WL 717479, at \*2 (1991); Va. State Bar Legal Ethics Comm. Op. 754, 1986 WL 1180470, at \*1 (1986).

<sup>9</sup> Colo. Bar Ass'n Ethics Comm. Op. 89, *supra* note 6, at 1, 5; D.C. Bar Op. 303, *supra* note 8, at 1; Mo. Bar Informal Op. 970192 (1997); Ohio Bd. of Prof'l Conduct Advisory Op. 92-13, 1992 WL 739420, at \*3 (1992); Or. St. Bar Ass'n Op. 2005-50, 2005 WL 5679639, at \*1 (2005). See also ABA Formal Op. 498, *supra* note 7, at 3-5 (discussing virtual practice technologies and other security measures to safeguard client information); Ohio Bd. of Prof'l Conduct Adv. Op. 2022-11, 2022 WL 10219976, at \*2 (2022) (recommending that computers connected to a shared network "be secured by individual credentials and other security measures to prevent lawyers or staff from accessing the data and files on a network belonging to others").

Lawyers in an office sharing arrangement may decide to share support staff, such as receptionists, administrative assistants, and paralegals. In these situations, maintaining the confidentiality of client information is tested. Instructing all lawyers and employees, and particularly shared employees, on their confidentiality obligations and the office procedures in place to guard sensitive client documents and communications are examples of reasonable measures to protect client confidentiality.<sup>10</sup> Of course, appropriate supervision of shared personnel is also required under Model Rule 5.3.<sup>11</sup>

## B. Clear Communication About the Relationship

Lawyers who share offices but do not practice together as a law firm must take appropriate steps to clearly communicate the nature of their relationship to the public and to their clients.

Model Rule 7.1 prohibits any “false or misleading communication about the lawyer or the lawyer’s services.”<sup>12</sup> Comment [7] to the Rule further explains that lawyers “may not imply or hold themselves out as practicing together in one firm when they are not a firm, as defined in Rule 1.0(c), because to do so would be false and misleading.”<sup>13</sup> Accordingly, office-sharing lawyers must ensure that the public is not misled about the nature of their relationship, such as confusion about whether the lawyers are part of a law firm, partnership, or professional corporation when no such affiliation exists.<sup>14</sup>

Lawyers in an office sharing arrangement should use separate business cards, letterhead, and directory listings, as well as office signs, firm names, and advertisements that describe their distinct practices and do not suggest a close association between professionals operating within the same space.<sup>15</sup> It is desirable for lawyers sharing office space to have separate telephone lines, but a

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<sup>10</sup> State Bar of Cal. Comm. on Prof’l Responsibility & Conduct Op. 1997-150, *supra* note 4, at \*3–4; D.C. Bar Op. 303, *supra* note 4, at 1; Mich. State Bar Op. RI-249, *supra* note 4, at \*2; Mo. Bar Informal Op. 950169, *supra* note 4, at 1; Neb. Jud. Ethics Comm. Op. 89-2, 1989 WL 1803035, at \*4 (1989); Ohio Bd. of Prof’l Conduct Advisory Op. 2022-11, *supra* note 4, at \*3. *But see* Utah State Bar Advisory Op. 125, 1994 WL 631269, at \*2 (1994) (finding it “difficult to see how it would be possible for shared secretarial arrangements not to put confidential information at risk”).

<sup>11</sup> Model Rule 5.3 addresses both partner and supervisor responsibilities for ensuring that nonlawyer assistants’ behavior is compatible with lawyers’ professional obligations. MODEL RULES OF PROF’L CONDUCT R. 5.3. *See* ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 498, at 3–4 (examining lawyers’ supervisory obligations for nonlawyer assistants in a virtual practice); Ohio Bd. of Prof’l Conduct Advisory Op. 2022-11, *supra* note 4, at \*3 (discussing the sharing of nonlawyer staff).

<sup>12</sup> MODEL RULES OF PROF’L CONDUCT R. 7.1.

<sup>13</sup> *Id.* at cmt. 7. *See also* MODEL RULES OF PROF’L CONDUCT R. 1.0(c) (defining “firm” or “law firm” as “a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization”).

<sup>14</sup> MODEL RULES OF PROF’L CONDUCT R. 1.4 & 7.1; State Bar of Cal. Comm. on Prof’l Responsibility & Conduct Op. 1997-150, *supra* note 4, at \*1; Colo. Bar Ass’n Ethics Comm. Op. 89, *supra* note 6, at 2; D.C. Eth. Op. 303, *supra* note 4, at 1.

<sup>15</sup> State Bar of Cal. Comm. on Prof’l Responsibility & Conduct Op. 1997-150, *supra* note 4, at \*1; Colo. Bar Ass’n Ethics Comm. Op. 89, *supra* note 6, at 6; Conn. Bar Ass’n Prof’l Ethics Comm. Op. 97-9, 1997 WL 700580, at \*2 (1997); D.C. Eth. Op. 303, at 1; Mich. State Bar Op. RI-249, *supra* note 4, at \*3; Mo. Bar Informal Adv. Op. 980220, *supra* note 8, at 1; N.Y. City Bar Ass’n Prof’l Ethics Comm. Advisory Op. 680, 1990 WL 677022, at \*1 (1990); Ohio Bd. of Comm’rs on Grievances & Discipline Advisory Op. 89-36, 1989 WL 535040, at \*2 (1989); Va. State Bar Legal Ethics Comm. Op. 874, 1987 WL 1379105, at \*1 (1987).

receptionist may answer a common telephone line with a generic salutation such as “Law Offices” to avoid implying that the lawyers are practicing together in the same firm.<sup>16</sup>

It may not be possible to have separate signage where a law firm subleases excess space to unaffiliated lawyers or to lawyers with whom the firm works on a matter-by-matter basis, or where lawyers work in rented temporary space such as WeWork or Regus™ offices. Nevertheless, unaffiliated lawyers sharing space must take reasonable measures to ensure that clients are not confused about their associations with the other lawyers practicing in the immediate area. Office sharing lawyers must understand the need to clarify for their clients these distinct professional relationships. Any communications to the public should also signal that the law practices are not affiliated with one another, other than in their resource-sharing arrangement.<sup>17</sup>

### C. Conflicts of Interest Considerations

Lawyers in shared office arrangements should pay particular attention to (1) avoiding the imputation of conflicts of interest, (2) taking on potential new matters that are adverse to clients represented by other office sharing lawyers, and (3) consulting with fellow office sharing lawyers.

#### 1. Imputation of Conflicts

Model Rule 1.10(a) imputes conflicts of interest to all lawyers “associated in a firm.”<sup>18</sup> Thus, imputation of a lawyer’s conflict of interest to other lawyers in an office-sharing arrangement will pivot on whether the lawyers are, or appear to the public or their clients as, “associated in a firm.”<sup>19</sup>

Under the Model Rules, office sharing lawyers are not automatically treated as a single law firm for conflicts of interest purposes.<sup>20</sup> This determination will depend on the facts and circumstances of each arrangement.<sup>21</sup> Office sharing lawyers who do not protect the confidentiality of their respective clients, regularly consult with each other on matters, share staff who have access to client information, mislead the public about their identity and services, or otherwise fail to keep

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<sup>16</sup> State Bar of Ariz. Op. 01-09 (2001); Conn. Bar Ass’n Prof’l Ethics Comm. Op. 97-9, *supra* note 15, at \*2; D.C. Bar Op. 303, at 1; Mich. Eth. Op. RI-249, 1996 WL 381521, at \*3; Ohio Adv. Op. 95-1, 1995 WL 813784, at \*4 (Ohio Bd. of Comm’rs on Grievances & Discipline 1995); Wash. Adv. Op. 1304, at 1 (Wash. State Bar, Comm on Prof’l Ethics 1989).

<sup>17</sup> Conn. Eth. Op. 2014-04, 2014 WL 12823983, at \*1; D.C. Bar. Op. 303, *supra* note 4, at 1; Mich. State Bar Op. RI-249, *supra* note 4, at \*2; Mo. Bar Informal Op. 950169, *supra* note 4, at 1.

<sup>18</sup> MODEL RULES OF PROF’L CONDUCT R. 1.10(a).

<sup>19</sup> MODEL RULES OF PROF’L CONDUCT R. 1.10(a) & cmt. 1; Colo. Bar Ass’n Ethics Comm. Op. 89, *supra* note 6, at 1; Mich. State Bar Op. RI-249, *supra* note 4, at \*5.

<sup>20</sup> Mich. State Bar Op. RI-249, *supra* note 4, at \*1; N.Y. State Bar Ass’n Comm. on Prof’l Ethics Op. 794, *supra* note 6, at \*1 (2011); *see* MODEL RULES OF PROF’L CONDUCT R. 1.0(c) & cmt. 2 (stating that “two practitioners who share office space and occasionally consult or assist each other ordinarily would not be regarded as constituting a firm,” but “if they present themselves to the public in a way that suggests that they are a firm or conduct themselves as a firm, they should be regarded as a firm” under the Model Rules).

<sup>21</sup> *See* ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 88-356, at 2–4 (1988) (explaining that whether a temporary lawyer should be treated as “associated in a firm” for conflicts imputation purposes requires “a functional analysis of the facts and circumstances involved in the relationship,” with a particular focus on the temporary lawyer’s access to information relating to the representation of other firm clients).

their practices separate, are more likely to be treated as “associated in a firm” for conflict imputation purposes.<sup>22</sup>

## 2. Representing Clients with Adverse Interests

Where lawyers in an office sharing arrangement properly shield the confidentiality of their respective clients and do not hold themselves out to the public as members of the same firm, it may be permissible under the Model Rules to represent clients with adverse interests—even in the same lawsuit or transaction.<sup>23</sup> Although this determination will ultimately turn on specifics of the office sharing arrangement and the nature of the proposed representations, Model Rules 1.4 and 1.7 may obligate lawyers to disclose the details of the office sharing arrangement to their respective clients, including their efforts to maintain confidentiality, and to obtain each clients’ informed consent, confirmed in writing.<sup>24</sup>

In addition, any staff shared by the lawyers should not possess or otherwise have access to information from both adverse clients.<sup>25</sup> Implementing an adequate ethical screen between shared staff members can be an effective measure in this regard, and to avoid the sharing of client information more generally.<sup>26</sup>

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<sup>22</sup> *In re Sexson*, 613 N.E.2d 841, 843 (Ind. 1993); MODEL RULES OF PROF’L CONDUCT R. 1.0(c) & cmt. 2; Ariz. State Bar Comm. on the Rules of Prof’l Conduct Op. 01-09, at 1 (2001); Colo. Bar Ass’n Ethics Comm. Op. 89, *supra* note 6, at 1, 4; D.C. Bar Op. 303, *supra* note 4, at 1; Ky. Bar Ass’n Ethics Comm. Op. E-418, at 4 (2001); Ind. State Bar Ass’n Legal Ethics Comm. Op. 8, *supra* note 8, at 3; La. State Bar Ass’n Rules of Prof’l Conduct Comm. Op. 07-RPCC-013, *supra* note 4, at 3; Mo. Bar Informal Op. 950169, *supra* note 4, at 1; N.Y. State Bar Ass’n Comm. on Prof’l Ethics Op. 794, *supra* note 6, at \*4; N.Y. City Bar Ass’n Prof’l Ethics Comm. Advisory Op. 680, *supra* note 15, at \*2; Ohio Bd. of Prof’l Conduct Advisory Op. 2022-11, *supra* note 4, at \*2; S.C. Bar Ethics Advisory Comm. Op. 08-11, 2008 WL 8089795, at \*2 (2008); Utah State Bar Advisory Op. 125, *supra* note 10, at \*2; Vt. Bar Ass’n Prof’l Responsibility Comm. Op. 79-22, at 1 (1979).

<sup>23</sup> ABA Comm. on Ethics & Prof’l Responsibility, Informal Op. 1486, at 1 (1982) [hereinafter ABA Informal Op. 1486] (lawyers who share space and represent adverse interests in pending lawsuits should explain fully the relationship to, and obtain the consent of, clients to continue to represent adverse interests).; Md. State Bar Ass’n Op. 1987-43, at 1 (1987); Mo. Bar Informal Adv. Op. 970192, *supra* note 9, at 1; N.J. Sup. Ct. Advisory Comm. on Prof’l Ethics Op. 515, 1983 WL 106225, at \*1–2 (1983); Ohio Bd. of Prof’l Conduct Advisory Op. 89-005, 1989 WL 535010, at \*1 (1989); Or. St. Bar Ass’n Op. 2005-50, *supra* note 9, at \*1; S.C. Bar Ethics Advisory Comm. Op. 08-11, *supra* note 22, at \*2 (2008); S.C. Bar Ethics Advisory Comm. Op. 91-37, 1992 WL 810417, at \*1–2 (1992); Vt. Bar Ass’n Prof’l Responsibility Comm. Op. 80-15, at 1–2 (1980); Va. State Bar Legal Ethics Comm. Op. 943, 1987 WL 1378998, at \*1 (1987); Va. State Bar Legal Ethics Comm. Op. 799, 1986 WL 1180507, at \*1 (1986); Wash. State Bar Comm. on Prof’l Ethics Op. 1793, at 1 (1997); Wash. State Bar Comm. on Prof’l Ethics Op. 1559, at 1 (1994).

<sup>24</sup> ABA Informal Op. 1486, *supra* note 23, at 1; Colo. Bar Ass’n Ethics Comm. Op. 89, *supra* note 6, at 4; Md. Eth. Op. 1987-43, at 1; Mich. Eth. Op. RI-249, 1996 WL 381521, at \*3; N.J. Eth. Op. 515, 1983 WL 106225, at \*1–2; Ohio Adv. Op. 89-005, 1989 WL 535010, at \*2 (Ohio Bd. of Comm’rs on Grievances & Discipline 1989); S.C. Bar Ethics Advisory Comm. Op. 91-37, *supra* note 23, at \*1–2; Vt. Bar Ass’n Prof’l Responsibility Comm. Op. 80-15, *supra* note 23, at 1–2; Va. State Bar Legal Ethics Comm. Op. 943, *supra* note 23, at \*1; Wash. State Bar Comm. on Prof’l Ethics Op. 1793, *supra* note 23, at 1.

<sup>25</sup> Ky. Bar Ass’n Ethics Comm. Op. E-406, at 3 (1998); Me. Bd. of Overseers of the Bar Prof’l Ethics Comm’n Op. 41, at 1 (2019); Or. St. Bar Ass’n Op. 2005-50, *supra* note 9, at \*1; S.C. Bar Ethics Advisory Comm. Op. 91-37, *supra* note 23, at \*1–2. The Committee does not believe it is possible for lawyers in an office sharing arrangement to maintain this kind of separation when representing clients with adverse interests if the lawyers together share only one staff member.

<sup>26</sup> See generally Cal. Lawyers Ass’n Ethics Comm. Formal Op. 2021-1 (2021) (discussing elements of effective ethical screens).

Notwithstanding the ability of office sharing lawyers to represent clients with adverse interests, some state ethics opinions understandably advise lawyers to avoid these situations entirely.<sup>27</sup> Potential pitfalls range from inadvertent disclosures of client information in a shared office to opposing parties coincidentally scheduling meetings at the same time. Before entering an office sharing arrangement, it is prudent for a lawyer to examine the nature of the other lawyers' practices to determine whether conflicts of interest are likely to arise.<sup>28</sup>

### 3. Consultations Between Office Sharing Lawyers

It is natural for lawyers in office sharing arrangements to informally consult one another about their respective client matters. Merely engaging in informal consultations from time to time, however, does not result in the lawyers being "associated in a firm" under Model Rule 1.10(a).<sup>29</sup> At the same time, lawyers who occasionally consult with other lawyers in shared office arrangements should not disclose "client information that may reveal the identity of a client or privileged information."<sup>30</sup> Lawyers may instead discuss issues using hypothetical facts. As comment [4] to Model Rule 1.6 explains, "[a] lawyer's use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved."<sup>31</sup>

Consultations between office sharing lawyers can also trigger unanticipated conflicts of interest, restricting a consulted lawyer's ability to represent a current or future client under Model Rule 1.7(a)(2).<sup>32</sup> For instance, if Lawyer A and Lawyer B share office space, and Lawyer A divulges client information to Lawyer B during an informal consultation to help Lawyer A prepare a case for trial, then Lawyer B may assume a responsibility not to use or reveal the information, which could materially limit Lawyer B's ability to represent a current or future client.<sup>33</sup> This situation parallels the confidentiality duties that lawyers owe to prospective clients under Model Rule 1.18 and the conflicts problems that can surface if a lawyer receives too much information from a prospective client during an initial consultation.<sup>34</sup>

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<sup>27</sup> Colo. Bar Ass'n Ethics Comm. Op. 89, *supra* note 6, at 3; S.C. Bar Ethics Advisory Comm. Op. 08-11, *supra* note 22, at \*2; Va. State Bar Legal Ethics Comm. Op. 943, *supra* note 23, at \*1; *see also* ABA Comm. on Ethics & Prof'l Responsibility, Informal Op. 1474, at 1 (1982) (concluding that "representation of opposing sides by lawyers working in the same military office and sharing common secretarial and filing facilities should be avoided").

<sup>28</sup> Colo. Bar Ass'n Ethics Comm. Op. 89, *supra* note 6, at 3.

<sup>29</sup> Ohio Bd. of Prof'l Conduct Advisory Op. 2022-11, *supra* note 4, at \*1.

<sup>30</sup> *Id.*

<sup>31</sup> MODEL RULES OF PROF'L CONDUCT R. 1.6 cmt. 4.

<sup>32</sup> MODEL RULES OF PROF'L CONDUCT R. 1.7(a)(2); ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 98-411, at 7 (1998) [hereinafter ABA Formal Op. 98-411].

<sup>33</sup> MODEL RULES OF PROF'L CONDUCT R. 1.7(a)(2); ABA Formal Op. 98-411, at 9. *See also* Liebnow v. Boston Enterprises, 296 P.3d 108, 115 (Colo. 2013) (citing ABA Formal Op. 98-411, at 7) (concluding that where "one lawyer has consulted another lawyer and has revealed confidential information about her case, including her theory of the case and trial strategy, that could materially limit the consulted attorney's ability to represent the opposing party ... due to the consulted attorney's potential responsibility to keep the information confidential").

<sup>34</sup> MODEL RULES OF PROF'L CONDUCT R. 1.18. *See also* ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 492 (2020) (discussing lawyers' obligations to prospective clients and the conflicts issues that can surface if lawyers receive "significantly harmful" information from a prospective client).

To prevent these issues, Lawyer B can conduct a standard conflict check prior to any informal consultation or collaboration with Lawyer A.<sup>35</sup>

### III. Conclusion

The ABA Model Rules of Professional Conduct permit lawyers to participate in office sharing arrangements, but those doing so must fully consider and comply with their applicable ethical responsibilities, including confidentiality, conflicts of interest, supervision, and communications concerning a lawyer's services.

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#### AMERICAN BAR ASSOCIATION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

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<sup>35</sup> See generally Conn. Bar Ass'n Prof'l Ethics Comm. Op. 98-11, 1998 WL 993681, at \*1-2 (1998).