



Committee on Professional Ethics

Opinion #231 -- 2/25/72 (2-72)

Topic: Partnership in two law firms.

Digest: A lawyer may be a member of two law firms.

Code*: DR 5-105 (D); Canon 9

QUESTION

May a lawyer be a member of two different law partnerships?

OPINION

There is no ethical objection to a lawyer being a partner in two distinct firms each practicing in a different area. Drinker, Legal Ethics, 204 (1953); N.Y. City 561 (1941).

Ethical problems relating to the firms involved in such dual participation may properly be met by the consent of lawyers in both firms.

The relationship to clients and the public would be governed by DR 5-105(D) which would be applicable to both firms and which provides:

"If a lawyer is required to decline employment or to withdraw from employment under DR 5-105, no partner or associate of his or his firm may accept or continue such employment."

For such arrangement to be proper, there must be a valid reason for the participation in the two firms and one must not be used to accomplish what is forbidden to the other or to evade personal responsibility. Further, since this is an arrangement by lawyers for lawyers, it is most important that Canon 9 be observed and that even the appearance of professional impropriety be avoided. See, N.Y. City 431 (1938).
