

# *The Supreme Court of Ohio*

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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## **OPINION 89-35**

Issued December 15, 1989

**WITHDRAWN BY OPINION 2013-1 ON APRIL 4, 2013**

*[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]*

*[Not Current-subsequent rule amendments to Gov. Bar R. III, eff. Jan. 1, 1993 and Nov. 1, 1995.]*

**SYLLABUS:** An attorney at law may not practice with more than one legal professional association or law firm in Ohio at the same time.

**OPINION:** We have before us your request for an advisory opinion on whether an attorney can belong to two separate law practices in Ohio. You propose forming a separate legal partnership for the limited purpose of handling personal injury cases. Each attorney in the partnership would maintain his or her individual practice within the same county.

The propriety of belonging to two separate law practices is addressed in the Supreme Court Rules for the Government of the Bar. Governing Bar Rule III, §3 (D) states that no attorney shall be associated in any capacity with a legal professional association other than one with which he is actively and publicly associated. The Code of Professional Responsibility does not address this issue directly. However, the concept of practicing in more than one law office raises many potential ethical problems. Maryland St. Bar Assn. Committee on Ethics, Op. 88-45 (1988). These ethical problems are magnified by the location of the proposed partnership and existing practices of these attorneys, all within the same county.

A lawyer practicing in two firms is potentially misleading and may be confusing to the public. Code of Professional Responsibility, DR 2-101. This situation would also create the potential for the disclosure of confidential information between the various firms and lawyers. Code of Professional Responsibility, DR 4-101(B). Multiple firm membership may also increase the number of conflicts of interest for the attorneys involved. See, Code of Professional Responsibility, Canon 5. Complying with these ethical standards would be difficult for a lawyer practicing in two partnerships in the same area.

An attorney must maintain his or her professional independence under EC 5-13 and 5-24 of the Code of Professional Responsibility. A lawyer who maintains two separate law practices may have difficulty exercising his or her professional judgment solely for the benefit of a client and free from outside influences. See, e.g., Code of Professional Responsibility EC 5-1, 5-13.

Based upon the foregoing, it is our opinion, and you are so advised, that a lawyer should not practice with more than one law practice in Ohio at the same time.

**This is an informal non-binding advisory opinion based only upon the facts presented and limited to questions arising under the Code of Professional Responsibility.**