

## Selected New York Ethics Opinions Related to Law Firm Offices

**NYCBA Ethics Opinion 2019-2** [3/15/2019] Rules 1.4, 1.6, 5.1, 5.3, 7.5(a)(1), 8.4(a)(c) use of a virtual office [cf. executive suite] address in attorney advertising and business cards, letterhead, websites.

**“This Opinion replaces Opinion 2014-2 [2014].”**

“A NY lawyer may designate the street address of a virtual law office [VLO] as the ‘principal law office address’ for the purposes of Rule 7.1(h) provided the VLO qualifies as an office for the transaction of law business under the Judiciary Law. In addition, the lawyer may use the VLO address on business cards, letterhead and law firm website. A New York lawyer who uses a VLO must also comply with all other ethical obligations including duties under Rules 1.4, 1.6, 5.1, 5.3, 7.1(a)(h), 7.5(A)(4), 8.4(a)(c).”

Basic reason: “Courts and enforcement authorities increasingly recognize that the economic and technological conditions of modern law practice justify some flexibility in practice arrangements.”

“Finally, economic conditions in the legal world and technological developments weight against interpreting the Rules to create obstacles to the use of VLOs as long as the interests of clients, the courts and the legal system are protected. Economic conditions and technological advances justify giving lawyers flexibility. Online research eliminates the need for a physical library. By using an Internet connection, a laptop computer, a mobile phone, and other devices, a lawyer can communicate easily with colleagues, clients and adversaries from any location, at any time. An interpretation of the Rules should ideally accommodate these technological developments.”

**NYSBA Ethics Opinion 1025** [9/29/14] Rule 7.1(h) virtual law office, advertising principal law office address

It is legal to operate a purely virtual office. “An attorney who is admitted to practice in NY but who, is not resident in NY and who advertises his law practice in NY must include the address of the attorney’s principal office, which may be the Internet address of a virtual law office. The attorney must have an office that meets the minimum requirement of Judiciary Law §470. . . .”

“[N]either Rule 7.1(h) nor any other advertising rule imposes or defines the contours of an attorney’s office or style of practice.”

**NYSBA Ethics Opinion 964** [4/4/2013] Rules: 1.0(a), 7.1(h), 7.5(a), 8.4(c) virtual law office, office address, advertising, business cards, letterhead

“Advertising for legal services may not identify a mail drop as the sole address, and must include the street address of the lawyer’s principal office; a lawyer’s business cards and letter may use a mail drop as the sole address, providing they are not being used as advertising and use of the address is not misleading.”

**NYSBA Ethics Opinion 939** [10/16/2012] Rules 1.6(a)(c) office sharing, client confidentiality

Situation: two lawyers sharing space but practicing separately. Share a computer with different passwords and keep separate files. Does this maintain sufficient confidentiality concerning client matters?

Yes. “Lawyers practicing as sole practitioners but sharing space may share a computer to store and

process client confidential information, but only if, under the actual circumstances relating to the computer, including its software and passwords and their use, the lawyers take reasonable precautions to ensure the privacy of the confidential information is protected.”

**NYSBA Ethics Opinion 294** [6/28/73] Canon 2, DR2102 mobile law office

“May a lawyer outfit a bus as a mobile law office, park, hang out a sign indicating that he is an attorney, and do business with clients coming to him?” Yes because “It is not only the right but the duty of the profession as a whole to utilize methods as may be developed to bring the services of its members to those who need them, so long as this can be done ethically and with dignity.” Sets guidelines for such offices.