

# BAR ASSOCIATION OF ERIE COUNTY

---

## COMMITTEE ON PROFESSIONAL ETHICS

Opinion No. 11-01

Topic: Law Office signage on outside of building with non-legal offices

Digest: A lawyer may place a sign announcing the presence of a law office on the exterior of a building which also houses non-legal businesses.

Rules: 7.1; 7.5 (a)(3); (b)

### QUESTION

May a lawyer place a sign announcing the presence of her office on the exterior of a building which houses, in addition to the lawyer's office, other non-legal businesses?

### OPINION

A lawyer has rented a single office in Buffalo in a building which contains other office space. One-half of the office space is rented by a computer consulting firm. It is completely separate and behind a set of glass doors. The company's name is on the exterior door which is the only entrance to the building at street level. The lawyer's office is on the opposite side of - and further down - an interior hallway. All offices are separate and accessible only by locked doors; the lawyer is the only person with access to her designated office space. The primary purpose of the office is to meet with clients and to do legal work in Buffalo (she also has an office in Silver Creek). The lawyer wishes to place her name on the entrance door into the building.

Professional signs for lawyers' offices are governed, generally, by Rule 7.5 of the N.Y. Rules of Professional Conduct. That provision, at paragraph (a), provides simply, that "A lawyer or law firm may use...professional...office signs...provided the same do not violate any statute or court rule and are in accordance with Rule 7.1, including the following:

\* \* \* \*

(3) a sign in or near the office and in the building directory identifying the law office and any nonlegal business conducted by the lawyer or law firm pursuant to Rule 5.7...."

The use of building signs has been addressed only infrequently by the NYS Bar Association, in Opinions 92 (12/5/68) and 174 (12/11/70). Those opinions, adopted under the superseded New York Code of Professional Responsibility, set forth certain specific "guidelines" for the placement of building signs. However, those guidelines may be considered to have been implicitly nullified by more recent U.S. Supreme Court decisions, such as *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977) and *Zauderer v. Office of Disciplinary Counsel of Ohio*, 471 U.S. 626 (1985).

### CONCLUSION

For the reasons set forth above, a lawyer may place a sign on the outside of a building.

---

1035076