

**BAR ASSOCIATION OF ERIE COUNTY  
COMMITTEE ON PROFESSIONAL ETHICS**

Question No. 12-01

Topic: Lawyer member of two firms

Digest: A lawyer may be a member or associated with more than one firm

Rules: 1.7, 1.9, 1.10(a) and (e)

**QUESTION**

- [1] May a lawyer be a member or otherwise associated with more than one law firm?

**OPINION**

- [2] The Rules of Professional Conduct and its predecessor, the Code of Professional Responsibility, do not prohibit a lawyer from being a member of, or otherwise associated with more than one law firm. N.Y. State 231(1972); N.Y. State 344 (1974); N.Y. State 622 (1991); N.Y. State 876 (2011).
- [3] However, in the event a lawyer is a member or is otherwise associated with more than one firm, the firms for the purpose of conflicts under Rule 1.7 and 1.9 are treated as one firm. Accordingly, under such circumstances, both firms must do a conflict check for each matter either firm undertakes. Rule 1.10(e); N.Y. State 876 (2001) and opinions cited therein. See also *Cinema 5, Ltd. v. Cinerama, Inc.*, 528 F.2d 1384 (2d Cir. 1976).
- [4] Should any partner or associate in any of the firms be required to decline employment or to withdraw from employment under Rules 1.7 or 1.9, then each firm with which he is associated and its partners and associates would be similarly disqualified from such employment (Rule 1.10(a)), unless the appropriate informed consent (Rule 1.0(j)) were obtained from each party. Rule 1.7(b).

**CONCLUSION**

- [5] A lawyer may ethically practice law with more than one law firm, but will need to apply the conflict results as if there was one firm.