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OPINION 88-13
(August 1, 1988)

Ethical defects exist in a law firm's proposal to form a corporation having several store-front offices to invite inquiries from the public about legal problems and refer all such inquirers to that law firm.

RPC: 4-7.6
Statutes: F.S. Ch. 621

The inquiring attorney is a partner in a two-attorney law firm. He requests an opinion concerning the ethical propriety of the following proposal.

The inquirer and his partner are considering forming a corporation whose title would not include the attorneys' names but would instead have a "law related" name such as "Legal Hotline, Inc." The two attorneys would be the sole shareholders and directors of the corporation.

The corporation would open small offices at various locations, such as shopping centers and flea markets. These offices would bear the corporation's name, rather than the law firm's name, and would be staffed by a nonlawyer employee of the corporation. The employee would not provide legal advice. Upon being approached by a person seeking legal advice or information, the employee would make an appointment for that person to see one of the attorneys at the law firm's office. The inquiring attorney states that, in the event there was sufficient traffic at a specific corporation office, an attorney "could be available periodically" at that office.

Several problems are presented by the attorney's proposal. The proposed corporation would be, in essence, not a law office but a type of referral service. Unlike the typical lawyer referral service, however, referrals would be made only to the inquiring attorney's law firm. Because the proposed corporation would be operating as a lawyer referral service, the inquiring attorney and his partner could not ethically accept referrals from the corporation unless the requirements of Rule 4-7.6, Rules Regulating The Florida Bar, are satisfied.

Another problem lies in the corporation's name. The name "Legal Hotline, Inc.," for example, must be considered misleading because it implies that the corporation can provide legal information rather than merely a referral to an attorney's office.

Finally, the inquiring attorney should be aware that Florida attorneys are not permitted to practice law through a corporate entity other than a professional corporation or professional association organized pursuant to Florida Statutes Chapter 621. Therefore, it would be impermissible to have an attorney providing legal advice or legal services through the proposed corporation.

[Revised: 08-24-2011]

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