



# E&O Edge

## Lawyers Professional Liability Are you unintentionally holding yourself out as the partner of another lawyer or law firm?

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While most lawyers realize that they are vicariously liable for the acts of their partners, they might be surprised to learn that they may also be held liable for the act of lawyers who are not their partners. When the office sharing arrangements of lawyers create confusion in the minds of their clients (or others) as to whether the lawyers are associated as partners or otherwise, the lawyers involved are exposed to risks of many kinds, including the risk of being liable for the malpractice of the lawyer sharing the office. This liability is based on the legal theory of partnership by estoppel or apparent partnership.

Claims of Partnership by Estoppel commonly arise out of office sharing arrangements in which the separate identities of the individual lawyers are not apparent to the public. Although two or more lawyers may not be partners, they are exposed to the risk of being held partners by estoppel if they share office space, jointly employ a receptionist, knowingly allow the printing and use of office stationery and invoices bearing the names of the other lawyers.

The lawyers' risk management web site, <http://www.lawyerlaw.com>, provided to you by Swiss Re as a value added service, contains an "apparent partnership" checklist as well as articles related to the topic of office sharing and apparent partnership, such as "Apparent Partnerships and Real Legal Malpractice Liability," and "Office Sharing and Dissolving Partnerships: Partnership by Estoppel."

Swiss Re is dedicated to arming you with information you need to help reduce and manage your exposure to malpractice claims. All Swiss Re insureds have free and unlimited access to Hinshaw's Lawyering Law website ([www.lawyerlaw.com](http://www.lawyerlaw.com)), a highly regarded online lawyers risk management site. The site offers valuable information on both claim avoidance and professional responsibility including useful practice tips, articles and e-mail alerts, model letters, checklists, law firm self-audit and FAQs. If you would like more information about the service or need the access code, please contact your broker or agent.

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