

Final

**Rhode Island Supreme Court  
Ethics Advisory Panel Op. 2015-01  
Issued January 20, 2015**

FACTS

The inquiring attorney proposes to hire an individual who is suspended from the practice of law, to conduct legal research. The individual is an out-of-state attorney who has been suspended in another state for ethical violations. The inquiring attorney states that the individual would not provide professional opinions or legal advice, would not interact with clients or prepare documents, and would have no involvement with staff or day-to-day operations. The individual would conduct research at a location out-of-state.

ISSUE PRESENTED

The inquiring attorney asks whether his/her law firm may hire an out-of-state attorney who has been suspended from the practice of law in another state, to conduct legal research for the law firm.

OPINION

Guideline 10 of Provisional Order No. 18 prohibits the inquiring attorney's law firm from hiring an attorney who is under suspension from the practice of law in another jurisdiction, to conduct legal research for the law firm.

REASONING

Rule 5.3 of the Rules of Professional Conduct addresses a lawyer's responsibilities relating to non-lawyer assistants. Following the commentary to Rule 5.3 is Provisional Order No. 18, issued by the Rhode Island Supreme Court, which sets forth guidelines for lawyers in the use of legal assistants. Guideline 10 of Provisional Order No. 18 entitled "Use of Legal Assistants," states as follows:

"10. A lawyer shall not use or employ as a legal assistant any attorney who has been suspended or disbarred pursuant to an order of this Court, or an attorney who has resigned in this or any other jurisdiction for reasons related to a breach of ethical conduct."

The Panel notes that the disciplinary rules of the jurisdiction where the individual in this inquiry is under suspension, contains a similar provision which prohibits lawyers in that jurisdiction from hiring the attorney during the suspension period.

Guideline 10 mandates an absolute separation of law practices and lawyers under suspension from the practice of law. The Panel interprets Guideline 10 of Provisional Order No. 18 to prohibit members of the Rhode Island Bar from using or employing as a legal assistant any lawyer who has been suspended from the practice of law, whether the lawyer is suspended from the practice of law in this or in any other jurisdiction.

The Panel concludes that Guideline 10 of Provisional Order No. 18 prohibits the inquiring attorney from hiring an attorney who is under suspension from the practice of law in another jurisdiction, to conduct legal research for the law firm.