

DIGEST OF ETHICS ADVISORY PANEL
Opinion #88-7, Request #4
ISSUED MAY 13, 1988

An attorney seeks Panel advice as to whether it is permissible under the Code of Professional Responsibility for him to form "an independent partnership" with a law firm organized as a professional corporation under Connecticut law.

Disciplinary Rule 3-101(B) provides:

A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.

Rhode Island Supreme Court Rule 41(b) provides:

A professional service corporation may not engage in the practice of law unless and until it applies to and receives from this court a license to operate under the Professional Service Corporation Law and only so long as such license remains in good standing.

The Panel takes the position that since the Connecticut law firm organized as a professional corporation was not organized under R.I.G.L. 1956 (1985 Reenactment) § 7-5.1-1 et seq. it may not practice law in this state.

Thus, the inquiring attorney may not enter the relationship he has described. To do so would be a violation of DR 3-103(A), which provides that

"[a] lawyer shall not form a partnership with a non-lawyer if any of the activities of the partnership consist of the practice of law."

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.