

DIGEST OF ETHICS ADVISORY PANEL  
OPINION #88-17, REQUEST #19  
Issued July 28, 1988

An attorney seeks Panel advice concerning the propriety of an out-of-state law firm opening an office in Rhode Island. The attorney advises the Panel that this out-of-state firm is a professional association formed pursuant to the laws of its state of origin. The attorney further advises the Panel that he is admitted to the Rhode Island Bar and that he would staff any Rhode Island branch office of the out-of-state firm in question.

Disciplinary Rule 3-101(B) provides: (5.5)(A)

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 remained in good standing.

Since the out-of-state 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. For the inquiring attorney to staff a Rhode Island office of an out-of-state law firm organized under professional corporation laws of its state of origin would constitute a violation of DR 3-101(A), which provides: (5.5)(A)

A lawyer shall not aid a nonlawyer in the unauthorized 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.