

DIGEST OF ETHICS ADVISORY PANEL
Opinion #88-32, Request #42
Issued January 12, 1989

An attorney seeks Panel advice as to whether he, as a Rhode Island attorney may properly advertise a willingness to represent clients in divorce matters given R.I.G.L. 1956 (1981 Reenactment) § 11-27-20. This section of the General Laws, originally enacted in 1905, is entitled "Advertising assistance in divorce, annulment or alimony proceedings." It provides a criminal penalty for any lawyer advertising his or her services with regard to "any suit for alimony or divorce or the severance dissolution or annulment of any marriage . . ."

Under the Rhode Island Rules of Professional Conduct, adopted by this court November 15, 1988 an attorney may not engage in criminal conduct. Rule 8.4 provides, in pertinent part:

It is professional misconduct for a lawyer to:

* * *

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

* * *

Unless and until the General Assembly amends or repeals § 11-27-20, the attorney would be in violation of the Rules if he were to engage in conduct prohibited in the cited chapter.

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.