

DIGEST OF ETHICS ADVISORY PANEL
OPINION #90-30, REQUEST #108
Issued June 25, 1990

An attorney seeks Panel advice as to whether he may properly publish a certain advertisement for his legal services, particularly in light of GL 1956 (1981 Reenactment) § 11-27-20.

The attorney submits a sample of the advertisement he proposes to publish. At the top it lists his name, address and phone number. The advertisement next reads: "Providing legal services in the following areas," and lists four areas, each with several subparts. The first of these listed areas reads "Divorce, support, domestic relations." Information concerning fees and parking is included at the bottom of the advertisement.

Section 11-27-20, originally enacted in 1905, is entitled "Advertising assistance in divorce, annulment or alimony proceedings."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."

The Ethics Advisory Panel is empowered to interpret the Rules of Professional Conduct as adopted by the Rhode Island Supreme Court. It is not empowered to pass judgment on the viability or desirability of provisions of the General Laws.

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 § 11-17-20, the attorney would technically be in violation of the Rules if he were to engage in the conduct it prohibits.

In order to respond to the other aspects of the attorney's inquiry and proposed advertisement the Panel will analyze it apart from its references to divorce.