

Digest of Ethics Advisory Panel
Opinion #91-19, Request #151
Issued May 23, 1991

An attorney seeks Panel advice concerning compliance with Rhode Island Rule of Professional Conduct 1.8 which prevents certain family members who are lawyers from representing adverse parties without client consent.

The Panel takes the position that Rhode Island Rule of Professional Conduct 1.8(i) requires the consent of the client where the lawyer knows that the lawyer's parent, child, sibling or spouse is the lawyer representing an adverse party. This consent must be based on a thorough explanation of the relationship between the lawyers for the adverse parties.

The Panel cites the comment to Rule 1.8(i) which states:

The disqualification stated in paragraph (i) is personal and is not imputed to members of firms with whom the lawyers are associated.

This comment makes clear that unlike Rule 1.10 [Imputed Disqualifications: General Rule], Rule 1.8(i) only prohibits the related attorneys from representing adverse parties without the clients' consent and does not extend the disqualification to members of the related attorneys' law firms.

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.