

DIGEST OF ETHICS ADVISORY PANEL
Opinion #92-14, Request #223
Issued May 20, 1992

An attorney seeks Panel advice pertaining to whether the attorney may appear before a Rhode Island judge when the attorney's law firm has performed estate planning and estate administration work for that judge.

The Panel takes the position that the attorney may appear before the judge so long as the appearance does not impact the impartiality of the tribunal and does not create an appearance of professional impropriety.

If the circumstances indicate that the impartiality of the tribunal may or would appear to be effected, the lawyer is obligated to take appropriate remedial measures. Such measures may include disclosing the relationship between the judge and the attorney's law firm and/or requesting that the judge recuse him/herself. This is a factual determination which will have to be made on a case by case basis.

These same factors may also be an issue where the judge or a member of the judge's family is a beneficiary of an estate of which the law firm is legal counsel.

In providing legal services to judges a law firm should determine its fees on the same basis as for all other clients. See Rule 3.5(a) (Lawyer shall not seek to influence a judge by means prohibited by law.)