

Final

**ETHICS ADVISORY PANEL  
OPINION NO. 96-29, REQUEST NO. 690  
Issued November 14, 1996**

**FACTS:**

The inquiring attorney is the president and principal real estate broker of a real estate company. He is also a title attorney.

**ISSUE PRESENTED:**

The inquiring attorney asks whether he/she may serve as the attorney for an individual, either a buyer or a seller, in a real estate transaction in which he/she is the real estate broker on behalf of the individual.

**OPINION:**

The Rhode Island Supreme Court Rules of Professional Conduct do not permit the arrangement that the inquiring attorney proposes.

**REASONING:**

The Rules of Professional Conduct permit practicing lawyers to simultaneously engage in other businesses or professions. In all such cases, the Rules relating to transacting business with clients, advertising, soliciting legal employment, conflicts of interest, and confidentiality must be observed. See R.I. Sup. Ct. Ethics Advisory Panel Op. 96-26. However, the arrangement proposed by the inquiring attorney cannot be reconciled with the Rules of Professional Conduct.

In Ethics Advisory Panel Op. 96-26, the Panel recently advised an attorney who is an insurance broker of life, health, and accident insurance that the Rules of Professional Conduct do not permit him/her to provide estate planning legal services to his/her insurance customers. The rationale set forth in Ethics Advisory Panel Op. 96-26 is applicable to the instant request, and the Panel refers the inquiring attorney to that opinion.

Accordingly, the Panel responds to this inquiry in the negative, concluding that the Rules of Professional Conduct do not permit the inquiring attorney to serve as the attorney for an individual in a real estate transaction in which he/she is the real estate broker on behalf of the individual.

Final

**ETHICS ADVISORY PANEL  
OPINION NO. 96-30, REQUEST NO. 691  
Issued November 14, 1996**

**FACTS:**

The inquiring attorney believes that the conduct of two former government attorneys who are now partners in private practice violates Rule 1.11(a) of the Rhode Island Supreme Court Rules of Professional Conduct.

**ISSUE PRESENTED:**

The inquiring attorney asks whether he/she is required under Rule 8.3 to report the conduct of the two attorneys.

**OPINION and REASONING:**

The inquiring attorney is not required to report a violation of Rule 1.11(a), unless the inquiring attorney makes a subjective determination that the violation raises a substantial question as to the attorneys' honesty, trustworthiness or fitness to practice law. See Rule 8.3(a).

In his/her request, the inquiring attorney described the specific conduct of the two attorneys and also asked the Panel whether the conduct was violative of Rule 1.11. Because that part of the request seeks an opinion about the conduct of lawyers other than the inquiring attorney, the Panel declines to render an advisory opinion on that question. See Rhode Island Ethics Advisory Panel Rule 2(a).