

**Final**

**Rhode Island Supreme Court Ethics Advisory Panel  
Opinion No. 2010-02 Request No. No. 973  
Issued May 13, 2010**

**FACTS**

The inquiring attorney is employed as a full-time zoning official by a municipality. The position does not require a law degree, and he/she is not employed as an attorney. In addition to his/her municipal job, the inquiring attorney has a part-time solo law practice. The focus of the law practice is on land use, permitting, and zoning matters. The inquiring attorney does not accept real estate matters relating to the municipality.

A real estate developer with an office located in the municipality has offered the inquiring attorney an opportunity to share office space at its location. The developer owns property in the municipality, and interacts with the inquiring attorney in his/her official capacity. The developer would like the inquiring attorney to handle some real estate matters on its behalf in other communities.

**ISSUE PRESENTED**

The inquiring attorney asks whether the Rules of Professional Conduct permit him/her to (1) include the letters "J.D." on the municipality's official correspondence and documents; (2) establish a private law practice in the municipality; (3) share office space with a real estate developer who interacts with the inquiring attorney in his/her official capacity; and (4) represent the real estate developer on real estate matters in other communities.

**OPINION**

The Panel responds to each question in the affirmative.

**REASONING**

The Rules of Professional Conduct do not prohibit the inquiring attorney from using the letters "J.D." on the municipality's official correspondence and documents. Additionally, inasmuch as the inquiring attorney has stated that he/she does not accept real estate matters related to the municipality, the inquiring attorney does not appear to run afoul of the conflicts-of-interests provisions of the Rules by establishing a law practice in the municipality that employs him/her. The municipality's rules, regulations, and policies may otherwise limit the conduct of its officials and employees, including

outside part-time employment and designations on its official correspondence and documents. Whether the municipality permits the conduct about which the inquiring attorney inquires is outside the Panel's jurisdiction.

The inquiring attorney next asks whether he/she may share office space for his/her law office with a real estate developer who interacts with the inquiring attorney in his/her capacity as a zoning official. The inquiring attorney also asks whether he/she is permitted to provide legal services for the real estate developer. Both of these proposals are permitted under the Rules.

Lawyers may share office space with non-lawyers, but lawyers must make the separate nature of the businesses clear to the public, and must take measures to protect client confidences. Rhode Island Supreme Court Ethics Advisory Panel Op. 97-05 (1997). The inquiring attorney has not included details of the office-sharing arrangement in this inquiry. The Panel directs the inquiring attorney's attention to his/her obligations pursuant to Rules 1.6 (confidentiality), Rules 1.7 and 1.8 (conflicts of interest), Rule 1.11 (conflicts of interest for government officers and employees), Rule 5.4 (professional independence), and Rule 7 (communications about lawyer's services and advertising).

The Panel concludes that the Rules of Professional Conduct permit the inquiring attorney to use "J.D." on municipal correspondence and documents, establish a private law practice in the municipality, share office space with the real estate developer, and represent the real estate developer on real estate matters in other communities. The Panel further advises the inquiring attorney to consult the State Ethics Code to ascertain whether the conduct about which he/she has inquired is governed by the Code.

The Panel's guidance is restricted to interpretations of the Rules of Professional Conduct and does not extend to issues under the State Ethics Code or any other rules, regulations or laws that may have a bearing on the issues raised by this inquiry.