

Digest of Ethics Advisory Panel Opinion #87-3

Request #5

Issued January 8, 1988

An attorney wishing to establish a neutral practice as an attorney arbitrator seeks panel advice concerning the propriety of a brochure he plans to use to describe his services.

The brochure in question identifies the attorney as an "attorney at law" and describes his practice as "limited to providing impartial mediation [and] arbitration \* \* \* ". It also includes a list of one or two word descriptions of disputes potentially amenable to resolution by arbitration or mediation.

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.

With respect to the contents of the brochure, the Panel first takes the position that no violation of the Code of Professional Responsibility arises by virtue of the fact that the attorney is limiting his practice to providing neutral dispute resolution services. The Panel advises the attorney that it is proper for the attorney to identify himself as an attorney only as long as he does not form an association with a non-attorney to jointly provide dispute resolution services. Additionally, the Panel cautions the attorney that although it is presently permissible for him to use the phrase "practice limited to," this phrase would not be permissible if the Rhode Island Supreme Court adopts Rule 7.4 of the Model Rules of Professional Conduct and the comment thereto.

Finally, the Panel declines to embark on the task of editing the brochure and thus takes the position that it cannot pass on the accuracy of statistics cited or whether or not the disputes listed would lend themselves to alternative resolution processes.