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(FINAL)

ETHICS ADVISORY PANEL  
OPINION #93-63, REQUEST #402  
Issued September 14, 1993

The inquiring attorney, a member of both the Rhode Island and Massachusetts bars, is aware of evidence which would support a complaint against a Massachusetts lawyer for a violation of the Massachusetts Code of Professional Responsibility. Pursuant to Massachusetts DR 1-103(B), a Massachusetts lawyer is not obligated to reveal "knowledge or evidence" of misconduct unless there is a "proper request of a tribunal or other authority empowered to investigate or act." In this case, no request has been made. The inquiring attorney asks whether he/she is required to report the alleged violation to the Massachusetts Board of Bar Overseers pursuant to Rule 8.3 of the Rhode Island Rules of Professional Conduct. Rule 8.3 states, in part, as follows:

A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

Under these facts, the Panel takes the position that the inquiring attorney does not have a duty under Rule 8.3 to report the alleged violation because the Rhode Island Rules of Professional Conduct have not been violated.