

Final

**Rhode Island Supreme Court**  
**Ethics Advisory Panel Opinion No. 2000-6, Request No. 806**  
**Issued August 3, 2000**

Facts

An attorney seeks Panel advice about the appropriate disposition of a client file. The file was created during the joint representation of a married couple (Client A and Client B) regarding threatening and harassing correspondence and telephone calls which the couple had been receiving. The subject of the threats related to a previous matter, in which Client A had been represented by the inquiring attorney. The couple is now in the midst of divorce proceedings. The inquiring attorney does not represent either party in the divorce matter. Client B has asked the inquiring attorney for copies of the couple's joint file, and of Client A's file in the separate matter. The inquiring attorney has informed Client B that he/she will not produce Client A's file in the separate matter.

Issues Presented

The inquiring attorney asks whether he/she is obligated to turn over the joint file to Client B.

Opinion

A client file is the property of the client, and thus both Client A and Client B are entitled to the joint file.

Reasoning

Upon termination of representation, Rule 1.17(d) requires a lawyer to surrender papers and property to which the client is entitled. In Opinion No. 90-38 (1990), the Panel stated that the contents of the clients' file are the property of the clients. Thus, both Client A and Client B are entitled to the joint file. Absent an agreement between Client A and Client B as to which client is to receive the original joint file, the Panel advises the inquiring attorney to turn over copies of the file, less the attorney's work product, to each client; and to notify them that the inquiring attorney will retain the original file in escrow until Client A and Client B notify him/her as to the agreed upon recipient, or until a court renders instructions. See R.I. Sup. Ct. Ethics Advisory Panel Op. 91-2 (1991). The inquiring attorney's response to Client B relative to Client A's file in the separate matter is appropriate and is consistent with his/her obligations of confidentiality under Rule 1.6.