

DIGEST OF ETHICS ADVISORY PANEL
Opinion #88-30, Request #39
Issued January 12, 1989

An attorney seeks Panel advice as to whether it is proper for him to continue representing a client after someone advises him that his client is "a fraud" and that in that person's opinion the attorney should already know it. The attorney advises the Panel that this person has filed a complaint against him with the Supreme Court Disciplinary Counsel alleging that his continued representation of the client in question constitutes unethical behavior. The attorney also states that he has no personal knowledge of any dishonest conduct on the part of his client.

Rule 1.2 (d) provides, in pertinent part

A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent . . .

Rule 1.2(b) provides:

A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political economic, social or moral views or activities.

There is no requirement that lawyers represent only innocent clients. Since the attorney has stated that he knows of no dishonesty on the part of his client, whether or not his client is ultimately proved to be "a fraud" is of no particular relevance. Such a determination is properly left to the appropriate tribunal. The Panel takes the position that under the circumstances discussed the attorney's continued representation of the client at issue is proper under the Rules of Professional Conduct.

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.