

Digest of Ethics Advisory Panel
Opinion #91-16, Request #123
Issued May 23, 1991

An attorney seeks Panel advice concerning the attorney's ethical obligations to the court and the client under circumstances in which the attorney has been retained on a contingent fee basis to advise a pro-se litigant who cannot be located and has failed to comply with discovery requests. The attorney advises the Panel that the attorney has not entered an appearance or signed any pleadings.

The Panel takes the position that the attorney has no duty to enter an appearance on behalf of this client because the client cannot be located. The Panel is of the opinion that it would be appropriate for the attorney to inform the court of this situation.

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.