

Digest of Ethics Advisory Panel
Opinion #91-59, Request #196
Issued December 5, 1991

An attorney seeks Panel advice as to whether or not defense counsel is obligated to inform the court and the prosecution of a prior conviction of a criminal defendant.

The Panel is of the opinion that Rule 3.3 of the Rhode Island Rules of Professional Conduct does not require defense counsel to voluntarily disclose this information to either the court or the prosecution, but the attorney cannot mislead the court or not respond accurately if asked a direct question.