

Digest of Ethics Advisory Panel
Opinion #91-66, Request #136
Issued September 19, 1991

An attorney seeks Panel advice regarding a guardianship case in which a personal injury settlement in favor of a minor child was reached prior to the child's being placed in foster care. The attorney is holding the settlement check.

The Panel is of the opinion that the attorney should bring an interpleader action and join all appropriate parties, including the insurance company, as parties seeking a determination as to how the settlement proceeds should be distributed. Pending the court's decision, the attorney should not take the legal fee or do anything to diminish the proceeds in any respect.

Joining the insurance company in the interpleader action will achieve full notice to it of the changed circumstances in the case.