

DIGEST OF ETHICS ADVISORY PANEL
Opinion #92-9, Request 217
Issued January 14, 1992

An attorney seeks Panel advice as to appropriate conduct in a situation where the non-resident executor of an estate improperly withdrew funds from the estate. The inquirer is the attorney of the estate and the resident agent of the non-resident executor.

The Panel is of the opinion that the attorney should request the executor to authorize disclosure by the attorney to interested parties, including the beneficiaries of the estate, the creditors of the estate, governmental authorities, and the probate court. If the executor refuses this request, then under Rule 1.16 of the Rhode Island Rules of Professional Conduct, the attorney should petition the court for permission to withdraw as the attorney since a conflict between the beneficiaries of the estate and the executor of the estate seems inevitable.