

DIGEST OF ETHICS ADVISORY PANEL
Opinion #92-11, Request #219
Issued April 1, 1992

An attorney seeks Panel advice as to whether or not he may communicate a demand for settlement with the opposing side's insurance company. Numerous attempts to settle the claims have been made with opposing counsel, however, there has been no response and it is believed that the offers were not conveyed to the opposing side.

The Panel is of the opinion that it would be a violation of Rule 4.2 of the Rhode Island Rules of Professional Conduct if the attorney communicates with the opposing counsel's client about the subject of the representation without the consent of opposing counsel. The Lawyer should, however, file a complaint with the Disciplinary Council against the opposing counsel pursuant to Rule 8.3 if the attorney has knowledge that the other attorney is violating Rule 1.4, which raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer.