

DIGESTS OF ETHICS ADVISORY PANEL
Opinion #92-18, Request #231
Issued May 5, 1992

An attorney seeks Panel advice as to the delivery of an insurance company's check to a client. The check was issued pursuant to a pre-trial order in a Workers' Compensation claim, which remains in effect. The concern is with subsequent testimony given by a client which may be determined to be groundless or fraudulent.

The Panel is of the opinion that the attorney may deliver the check to the client in light of Rule 1.2(d) which provides that:

(d) A lawyer shall not counsel a client to engage, or assist a client in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

It appears from the facts set forth that the attorney had no knowledge of and did not assist in any possible fraud. Moreover, the attorney did take reasonable steps and provided reasonable opportunity to the opposing counsel to have the pre-trial order modified.