

ETHICS ADVISORY PANEL
Opinion #93-7, Request #337
Issued March 15, 1993

An attorney seeks Panel advice with regard to Rule 1.8 entitled "Conflict of Interest: Prohibited Transactions." The attorney would like to represent several indigent plaintiffs in a personal injury matter. Given the clients' age and poverty level, the attorney would advance the costs of litigation and would be reimbursed only if the claim results in recovery with regard to the claim.

Rule 1.8(e)(1) allows for an attorney to advance court costs and expenses of litigation. The Rule states that:

(1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter;

As long as the advanced costs and expenses are related to the litigation the attorney's proposed conduct is not inconsistent with the Rules of Professional Conduct in this matter.