

(0634)  
(FINAL)

ETHICS ADVISORY PANEL  
Opinion #93-48, Request #381  
Issued July 28, 1993

Attorney A desires to file a complaint with the Supreme Court Disciplinary Counsel against another attorney for his/her refusal to comply with a court order and pay court ordered sanctions. Attorney A asks if the filing of such a complaint constitutes professional misconduct pursuant to Rules 8.3 and 8.4.

Rule 8.3 entitled "Reporting Professional Misconduct" states that:

(a) A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6.

Rule 8.4 entitled "Misconduct" states that:

"It is professional misconduct for a lawyer to: . . .  
. . . (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;"

The Panel finds that if the inquiring attorney has knowledge that another has committed any action that questions that lawyer's honesty, trustworthiness or fitness then he/she is required to inform the appropriate authorities pursuant to the Rules cited above. The fact that the inquiring attorney will receive court ordered legal fees does not affect the obligation to report under Rule 8.3.