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ETHICS ADVISORY PANEL
OPINION #93-78 REQUEST #420
Issued October 5, 1993

The inquiring attorney and Attorney B were partners in a firm which has been dissolved. While in the firm, Attorney B had been retained to represent Client C in a personal injury matter. The inquiring attorney had no supervisory authority over Attorney B with respect to Client C. The inquiring attorney "recently came across" Client C's file, which indicates that Attorney B's correspondence to Client C had been returned addressee unknown. Upon leaving the firm and the active practice of law, Attorney B apparently had made no arrangements with any of Attorney B's partners or associates for representation of Client C.

The inquiring attorney asks what, if any, responsibility he/she has in respect to protecting Client C's interests.

Guidelines for dealing with "missing" clients were specified by the Panel in General Opinion No. 6. Under Section 5.1(a), "each partner in a law firm [should] make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct."

In this case, however, the inquiring attorney's duty to assure his/her former partner's compliance with the Rules of Professional Conduct ended when the former partner left the firm. While the Panel does not opine as to past conduct, it appears from the inquiry that this firm took reasonable efforts to assure continuing representation in matters being handled by Attorney B. In the absence of an undertaking by the inquiring attorney to represent Client C, the Panel is of the opinion that the inquiring attorney has no obligation to Client C other than to deliver the subject file to Client C's attorney, Attorney B.

This opinion is limited to the applicability of the Rules of Professional Conduct and does not address issues of substantive law that may have bearing on the issue raised by this inquiry.