

FINAL

ETHICS ADVISORY PANEL
OPINION # 95-24, Request # 586
Issued March 23, 1995

A client was referred to the inquiring attorney for the purpose of evaluating whether the client had a cause of action for medical malpractice. After extensive investigation, the inquiring attorney determined that the client did not have a viable claim. The statute of limitation on this matter was estimated to expire in June, 1996. Although the client maintained contact with the inquiring attorney's office until June 1994, a certified letter from the inquiring attorney which advised the client of the status of the case mailed in December, 1994 was returned and labeled "moved - left no address."

The inquiring attorney has made numerous attempts to contact the client via telephone listings, addresses, post office searches and inquiries at the Department of Motor Vehicles. The inquiring attorney seeks the Panel's advice regarding his/her obligation to this client.

The Panel has received numerous inquiries concerning the proper ethical conduct for an attorney who is unable to locate a client. General Information Opinion #6 (Issued June 30, 1993) addresses a lawyer's obligation to exercise diligent efforts both to locate the missing client and to protect the client's interest. See, Ethics Advisory Panel General Information Opinion #6.