

ETHICS ADVISORY PANEL
OPINION # 95-30, Request # 593
Issued - July 13, 1995

The inquiring attorney represented a client in a personal injury matter. The client discharged the inquiring attorney and retained Attorney B. The inquiring attorney filed an attorney's lien with Attorney B for services rendered. When Attorney B settled the case, he/she did not honor the lien and did not notify the inquiring attorney about the settlement. The inquiring attorney confronted Attorney B who acknowledged the lien yet refused to honor it. The inquiring attorney asks whether B violated Rule 1.15 and if so, does he/she have the duty to report the violation under Rule 8.3.

Rule 8.3 entitled "Reporting Professional Misconduct" state the following:

(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.

The Panel was not provided a sufficient amount of facts to properly opine that Attorney B committed a violation. According to Rule 8.3, if the inquiring attorney has knowledge that Attorney B committed a Rule violation that questions Attorney B's honesty, trustworthiness or fitness then he/she shall inform the Disciplinary Counsel.