

Final

**ETHICS ADVISORY PANEL  
OPINION 96-15, - REQUEST # 667  
Issued - July 11, 1996**

**FACTS:**

The inquiring attorney represents a husband in a domestic relations matter. The inquiring attorney provided all information regarding the husband's profit sharing plan to the wife's attorney. In addition, the inquiring attorney made representations to opposing counsel about the legal consequences of the assignment to the wife of a portion of the husband's profit sharing plan. The inquiring attorney learned that his/her "advice" was not accurate.

**ISSUES PRESENTED:**

The inquiring attorney asks what are his/her obligations to both the client and opposing counsel regarding this newly obtained information.

**OPINION:**

The inquiring attorney is obligated to keep the client informed regarding the status of his/her case. The inquiring attorney should notify opposing counsel of the mistake out of respect for the legal system, fairness to fellow lawyers, and the administration of justice.

**REASONING:**

A lawyer has an obligation to keep a client informed concerning matters of the legal representation. Rule 1.4 entitled "Communication" states:

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

The inquiring attorney was mistaken about the workings of the profit sharing plan and should correct the mistake with his/her client. The Panel believes that the inquiring attorney is under an ethical duty to inform the client of the alleged error committed.

July 11, 1996  
EAP Op. 96-15, - Rqst. # 667  
Page 2

The inquiring attorney is also ethically bound to notify opposing counsel of the mistaken information relating to the profit sharing plan. The Panel believes strongly in treating those involved in the legal system fairly and that an attorney should avoid even the appearance of impropriety. See, Rhode Island Supreme Court Ethics Advisory Panel Opinion # 96-10 (Issued June 13, 1996).

The Panel believes that in accordance with Rule 1.4 and the Preamble, the inquiring attorney should notify both the client and opposing counsel regarding his/her mistaken advice.