

Digest of Ethics Advisory Panel
Opinion #91-34, Request #155
Issued May 23, 1991

An attorney seeks Panel advice as to whether the attorney may properly represent lawyer L before the Supreme Court Disciplinary Board. The inquiring attorney indicates that the complaint pending against lawyer L was filed by A, a former client of Lawyer L. A stated in his initial complaint filed with the Disciplinary Board that the inquiring attorney recommended lawyer L to A via A's employer. The inquiring attorney states that he/she did, in fact, recommend L to A's employer along with another attorney, but the inquiring attorney never had any contact or discussions with A.

The Panel takes the position that the inquiring attorney may properly represent lawyer L before the Supreme court Disciplinary Board. The Panel bases its opinion on the fact that an attorney-client relationship never existed between the attorney and A.

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.