

Digest of Ethics Advisory Panel  
Opinion #91-52, Request #170  
Issued August 16, 1991

An attorney seeks Panel advice concerning the attorney's ethical obligations under circumstances in which the attorney has obtained information that an opposing party has either committed perjury by falsely swearing to interrogatories, failed to report income to the Internal Revenue Service or committed welfare fraud. Discovery materials indicate that the opposing party has sworn to earning \$24,000 for the year prior to his/her alleged injury, but has not filed a tax return for that year and had his/her medical bills paid by the Welfare Department of the State of Rhode Island.

The Panel is of the opinion that the attorney may, but is not obligated to, disclose this information to the proper authorities. Because the information at issue is not confidential, the Rhode Island Rules of Professional Conduct do not prohibit the attorney from disclosing these alleged facts. The Panel is not aware of any legal authority which would form a basis for imposing upon the attorney an affirmative duty to notify the authorities of this information.