

Digest of Ethics Advisory Panel
Opinion #21-76, Request #201
Issued December 4, 1991

An attorney seeks Panel advice regarding a situation in which an employee of a client has admitted giving false testimony in a deposition.

Rule 3.3 of the Rhode Island Rules of Professional Conduct and its comment entitled "False Evidence" is applicable in this case. The attorney should first encourage the client to persuade the employee to come forward to correct the error, and if the employee refuses, the attorney then has an obligation to disclose the falsity to the court or to the other party.