

Final

**ETHICS ADVISORY PANEL
OPINION 96-14, - REQUEST # 665
Issued - July 11, 1996**

FACTS:

The inquiring attorney represents a client regarding a civil law suit. The inquiring attorney mailed correspondence directly to the opposing parties. In response to these letters, opposing counsel informed the inquiring attorney that he/she represents the opposing parties in this matter and that all communications should be directed to him/her.

ISSUES PRESENTED:

The inquiring attorney asks whether he/she may directly contact the opposing parties' insurance carrier and whether he/she must communicate exclusively through opposing counsel.

OPINION:

No, the inquiring attorney may not contact the insurance carrier directly and may not directly contact the opposing parties without permission of counsel.

REASONING:

Rhode Island Rule of Professional Conduct 4.2 "Communication with Person Represented by Counsel," governs the inquiring attorney's ethical responsibilities in this situation. The Rule states that:

In representing a client, a lawyer shall not communicate about the subject of representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

As stated in the comment to Rule 4.2, the prohibition against direct contact, "covers any person, whether or not a party to a formal proceeding, who is represented by counsel concerning the matter in question." Rule 4.2 along with the comment prohibits the inquiring attorney from direct communication with the insurance carrier absent the consent of opposing counsel. See, Rhode Island Ethics Advisory Panel Opinion # 93-33 (Issued August 25, 1993) which prohibited direct contact with an insurance adjuster under Rule 4.2.

According to the plain language of Rule 4.2, the inquiring attorney is prohibited from directly communicating with the adverse parties without the prior consent of adverse counsel.