

Index to Ethics Opinions

Editor's Note:

"RPC" denotes an ethics opinion that was adopted prior to July 24, 1997, under the superseded 1985 Rules of Professional Conduct. "FEO" denotes a "Formal Ethics Opinion" adopted under the Rules of Professional Conduct as comprehensively revised on July 24, 1997, and on February 27, 2003. See the editor's note that precedes the Rules, *supra*, for background on the 1997 and 2003 revisions of the Rules. The editor's note also explains the effect of the adoption and amendment of the Rules on ethics opinions promulgated under the 1985 Rules and the 1997 and 2003 versions of the Rules.

ACADEMIC DEGREES

Advertising and solicitation, see ADVERTISING AND SOLICITATION

Doctor designation, use by lawyer with Juris Doctor degree RPC 5, 07 FEO 5

ADVANCING FUNDS TO CLIENTS

See also COSTS AND EXPENSES OF REPRESENTATION

Bail bond RPC 173

Class action RPC 124

Criminal fines RPC 76

Recording costs RPC 47

Rental car, 01 FEO 7

ADVERTISING AND SOLICITATION

See also INTERNET, MAILINGS, TRADE NAME

Bankruptcy, television advertising RPC 161

"Best lawyers," characterization as in advertising for lawyer referral service RPC 135

Branding of firm owner's name and likeness, 06 FEO 20

Brochure RPC 98

Business cards 07 FEO 4

Class action solicitation letter 04 FEO 5

Client endorsements 07 FEO 4

Cold calls to solicit professional employment RPC 20

Combined legal experience 04 FEO 7

Comparison of size of firm RPC 20

Corporate officers or employees, soliciting professional employment from RPC 6

Departing lawyer, solicitation of clients by lawyers remaining with firm RPC 200

Directory on Internet, participating in RPC 241

Distribution of advertising material by brokerage firm RPC 98

Doctor designation, use by lawyer with Juris Doctor degree RPC 5, 07 FEO 5

Dramatizations in television advertisement RPC 164, 00 FEO 6

Employment of nonlawyer to represent Social Security claimants, disclosure in advertising 05 FEO 2

Fees and costs, misrepresentation regarding payment of 04 FEO 8

Fees, solicitation of from third parties 98 FEO 14

Firm owner, sale of surname and likeness to firm, 06 FEO 20

Gifts for referrals 07 FEO 4

Gifts to clients 07 FEO 4

Hotel hospitality suite, law firm hosting RPC 146, 07 FEO 4

Intermediary used to solicit prospective client RPC 20

Internet

-advertising on RPC 239, RPC 241, 00 FEO 1, 00 FEO 3, 09 FEO 6

-responding to inquiries on message board on 00 FEO 3

Jury verdict record, advertising of on Web page, 00 FEO 1, 09 FEO 6

Jury verdicts 99 FEO 7, 00 FEO 1, 09 FEO 6

Lawyer referral services, see LAWYER REFERRAL SERVICES

Legal directories, see LEGAL DIRECTORIES

Letterhead, see LETTERHEAD

Likeness of retired or deceased lawyer, use in firm advertisements 06 FEO 20

Mailings

-address of lawyer required on direct mail 97 FEO 6

-advertising notice required at beginning of body of letter 07 FEO 15

-client endorsements 07 FEO 4

-envelope, extraneous statements on 06 FEO 6, 07 FEO 15

-insignias in return address, 07 FEO 15

-mottos in return address, 07 FEO 15

-incorporators of business, letter soliciting business must contain advertising disclosure RPC 242

-limitations on mailings to persons known to need legal services in a particular matter RPC 98

-promotional materials 04 FEO 2

Membership in an organization with self-laudatory title 03 FEO 3, 07 FEO 14

Million Dollar Advocates Forum, advertising membership in 03 FEO 3

Networking Organizations, Lawyer Participation in 06 FEO 7

Newcomers listed by Chamber of Commerce, solicitation of RPC 26

Nonlawyer employee representing Social Security claimants, disclosure of 05 FEO 2

Nonlawyer, hiring to hold educational seminars 08 FEO 6

On-line legal matching service 04 FEO 1

Partner in partnership, soliciting professional employment from RPC 6

Prior professional relationship with prospective client RPC 98

Promotional merchandise in targeted direct mail solicitation letter 04 FEO 2

Referrals, gifts for 07 FEO 4

Remote call forwarding telephone number RPC 217

Seminars on law for members of public RPC 36, RPC 98, 07 FEO 4, 08 FEO 6

Social functions, RPC 146, 07 FEO 4

Solicitation

-autodialed recorded message to potential client, 06 FEO 17

-business cards 07 FEO 4

-class action, letters to prospective members of 04 FEO 5

-departing lawyer's clients, guidelines for lawyers remaining with firm RPC 200

-employee contacting clients of former employer 09 FEO 3

-guidelines for lawyer leaving a firm RPC 98

Specialization, see SPECIALIZATION

Super Lawyers, advertising listing in 07 FEO 14

Telephone number listing, misrepresentation of local presence RPC 217

Telephoning

-autodialed recorded message to potential client 06 FEO 17

-client endorsements 07 FEO 4

-free legal information, recorded telephone message from for-profit company, participation in RPC 115

Television

-bankruptcy advertisements RPC 161

-dramatizations RPC 164

-misrepresentation in ad by implying early settlement 00 FEO 6

Testimonial 07 FEO 4

Trade name, misleading 04 FEO 9

Trade name, website URL is 05 FEO 8

URL, misleading 05 FEO 14

Verdict record, advertising 00 FEO 1, 09 FEO 6
Virtual law practice 05 FEO 10
Web page, see ADVERTISING, Internet

ALIMONY

Fee agreement, obtaining interest in client's support payments RPC 187
Past due alimony, collection of RPC 2

ALTERNATIVE DISPUTE RESOLUTION

Arbitration, partner as arbitrator RPC 138
Collaborative resolution process in domestic cases 02 FEO 1
Fee agreement condition, see FEE AGREEMENTS
Mandatory arbitration of fee disputes, see FEE AGREEMENTS and FEES

ARBITRATION

See ALTERNATIVE DISPUTE RESOLUTION

ATTORNEY GENERAL STAFF LAWYERS

See GOVERNMENT LAWYERS

AUTOMOBILE ACCIDENT REPRESENTATION

See INSURANCE REPRESENTATION

BANKRUPTCY PRACTICE

Advertising on television RPC 161
Corporation in bankruptcy, representation of bankruptcy estate and trustee in civil action 97 FEO 7
Disclosing confidential information about debtor's property after chapter 7 case is closed 98 FEO 20
Foreclosure, trustee on deed of trust filing motion to set aside automatic stay RPC 46
Joint representation of spouses in Chapter 13
-effect of disappearance of one spouse 00 FEO 2
-effect of divorce 07 FEO 7
Recommending services of a third party to bankruptcy client 05 FEO 7
Trustee on deed of trust, resignation to represent lender seeking removal of automatic stay RPC 90

BILLING

See FEE AGREEMENTS, FEES, COSTS AND EXPENSES OF REPRESENTATION

BUSINESS ACTIVITIES

See also MULTIDISCIPLINARY PRACTICE
Accounting practice and law practice combined 00 FEO 9
Financial planning services RPC 238
Financial products, sale to legal client of 01 FEO 9
Law related services RPC 238
Real estate brokerage RPC 49, RPC 201

CANDOR TOWARD TRIBUNAL

See also COMMUNICATION WITH JUDGES
Adverse evidence, disclosure in disability hearing before Social Security administrative law judge RPC 230, 98 FEO 1
Alias, disclosure of client alias in workers' compensation action 08 FEO 1
Attribution when using written work of another 08 FEO 14
Client perjury in deposition RPC 203
Citizenship status, reporting to ICE 09 FEO 5
Consent judgment, submission to court that includes false information 99 FEO 16
Client identity, disclosure of see DISCLOSURE OF CLIENT IDENTITY
Fee petition, attorney must disclose discounted hourly rate 01 FEO 1
Misrepresentation of prior record level in sentencing proceeding 03 FEO 5
Pro se litigant, assisting without making an appearance or disclosing assistance 08 FEO 3

CHILD SUPPORT

Contingent fees RPC 2
Fee agreement, obtaining interest in client's support payments RPC 187
Past due amounts, collection of RPC 2, RPC 155

CITY COUNCILMAN, LAWYER SERVING AS

See PUBLIC OFFICIAL, LAWYER SERVING AS

CIVILITY

See PROFESSIONALISM AND COURTESY

CLIENT FUNDS AND PROPERTY

See also FEES, FILES OF CLIENT
Abandoned funds RPC 89, RPC 149, RPC 226
Assignment of interest in settlement proceeds to finance company 00 FEO 4
Cashing check for client RPC 4
Disbursement
- against deposited items in reliance upon bank's funding schedule 06 FEO 8
-of client funds without client's consent prohibited RPC 75
-of tort claim settlement upon deposit of provisionally credited funds 01 FEO 3
-to medical providers in absence of lien 01 FEO 11
Dormancy fee on unclaimed funds, charging 06 FEO 15
Escheating funds RPC 89, RPC 149
Files, see FILES OF CLIENT
Financing litigation 00 FEO 04
Purchasing money order for client RPC 4
Recording costs, depositing client's funds for RPC 47
Trust accounts, see TRUST ACCOUNTS

CLIENTS

See FORMER CLIENTS, PROSPECTIVE CLIENTS

COLLECTIONS

See also FEES
Collection agency, use permitted RPC 7

COMMUNICATION WITH ADVERSE PARTIES

See also COMMUNICATIONS WITH WITNESSES
Agent of lawyer
-instructing fraud investigator to interview employees of opposing party 99 FEO 10
-use of private investigator to communicate with represented party 03 FEO 4
Attorney general staff lawyer representing state on death sentence appeal, receipt of letter from defendant RPC 233
Child represented by GAL and attorney advocate RPC 249
Child who is prosecuting witness in criminal case RPC 61
Corporate legal counsel appearing in case as corporate manager RPC 128
Criminal representation
-interviewing codefendants RPC 93
-investigation by prosecution, interviewing employees of corporate target 99 FEO 10
District attorney with represented criminal defendant RPC 30
Elected officials RPC 132, RPC 202
-government employees and 05 FEO 5
Employees of represented opposing party RPC 67, 99 FEO 10
Evidence, proffering when gained during prohibited communication with represented party 03 FEO 4
Former employees of represented opposing party RPC 81, 97 FEO 2
Government employees RPC 132, 05 FEO 5
Guardian ad litem in child neglect or abuse proceeding,
-communication with child represented by attorney advocate and RPC 249
-lawyer as, direct communication with represented person 02 FEO 8
-nonlawyer as, communication with parent, 06 FEO 19

Insurance litigation, see INSURANCE REPRESENTATION
Letter from represented criminal defendant, receipt by member of attorney general's staff RPC 233
Mental health problem of opposing counsel 03 FEO 2
Opposing parties, communications between RPC 119
Providing confession of judgment to unrepresented adverse party RPC 165
Providing pleading to unrepresented adverse party 02 FEO 6
Public records, communication with adverse government official who is custodian of RPC 219
Settlement negotiations, communications between opposing parties RPC 119
Threatening criminal prosecution 98 FEO 19
Threatening immigration prosecution 05 FEO 3
Undercover officer planted in jail cell of represented criminal defendant 97 FEO 10
Unrepresented adverse party, see PRO SE REPRESENTATION
Unrepresented uninsured motorist, communication with after uninsured motorist carrier has elected to defend in the name of defendant RPC 193
Witness who is adverse party in unrelated litigation 04 FEO 4

COMMUNICATION WITH JUDGES

Administrative and scheduling matters, ex parte communications with judge about 97 FEO 3
Attorney general staff lawyer RPC 122
Disability hearing before Social Security administrative law judge, withholding adverse evidence in RPC 230, 98 FEO 1
Elected official with adjudicatory authority RPC 132
Ex parte communications
-administrative or scheduling matter 97 FEO 3
-authorized by law 01 FEO 15
-disclosures to judge prior to 98 FEO 12
-ex parte order, seeking RPC 237
-proposed order, submission to judge 97 FEO 5
-written communications 98 FEO 13, 03 FEO 17

COMMUNICATION WITH JURORS

Questionnaire, sending to prospective jurors RPC 214

COMMUNICATION WITH WITNESSES

See also COMMUNICATION WITH ADVERSE PARTIES
Adverse party is witness in unrelated litigation 04 FEO 4
Child molestation victim RPC 61
Employees of represented opposing party RPC 67, 99 FEO 10
Former employees of represented opposing party RPC 81, 97 FEO 2
Government employees RPC 132, 05 FEO 5
Guardian ad litem, prohibition on communication with represented person does not apply to lawyer acting solely as 06 FEO 19
Heirs of estate, estate lawyers communication with, 07 FEO 1
Lawyer for witness, consent required RPC 87
Pathologist who performed autopsy on plaintiff's decedent RPC 184
Physician providing treatment in Workers' Compensation case RPC 224
Physician who treated opposing party RPC 162, RPC 180
Prosecuting witness in criminal action, seeking cooperation on plea agreement and settling civil claim against defendant RPC 225
Prosecuting witness in criminal case RPC 61
Subpoena containing misrepresentations RPC 236

CONFIDENTIALITY

See also DISCLOSURE (IN GENERAL)
Alias, disclosure of client alias in workers' compensation action 08 FEO 1
Authorization to disclose, see DISCLOSURE (IN GENERAL)
Cellular telephone, communication of confidential information on RPC 215
Child abuse and neglect, reporting RPC 120, RPC 175

Client assets, disclosure of, see BANKRUPTCY PRACTICE
Client contraband, disclosure to authorities, 07 FEO 2
Client Identity, see DISCLOSURE OF CLIENT IDENTITY
Collaborative resolution process, participation in notwithstanding disclosure requirements 02 FEO 1
Corporate client
-disclosure of information by former in-house counsel to support wrongful discharge claim 00 FEO 11
-disclosure of information pursuant to SEC regulations 05 FEO 9
Contagious disease of client RPC 117
Cordless telephone, communication of confidential information on RPC 215
Cross examination of former client 03 FEO 14
Deceased client, disclosure of confidences of in a will contest proceeding 02 FEO 7
Deceased client, disclosure of confidential information to personal representative of estate RPC 206
Disclaimer of client-lawyer relationship to avoid duty RPC 244
Disclosure in suit to collect fee 04 FEO 6
Disclosure of confidences of parent seeking representation for minor 05 FEO 4
Driving record, withholding and disclosing information about in court 98 FEO 5
Electronic mail, communication of confidential information by RPC 215
Employee of lawyer, see EMPLOYEES OF LAWYERS
Erroneous deed benefiting client RPC 12
Estates, see ESTATES
Evidence of crime RPC 221, 07 FEO 2
Fees, disclosure of information about insured's representation in bills submitted to insurer's auditor 98 FEO 10, 99 FEO 11
Former employee of lawyer, see EMPLOYEES OF LAWYERS
Fraud upon tribunal by former client 99 FEO 15
Health information of client or third party 06 FEO 10
Implied authorization to disclose, see DISCLOSURE (IN GENERAL)
IRS Form 1099 disclosure RPC 23
Insured, disclosure of information about representation in bills submitted to insurer's auditor 98 FEO 10
Internet, storing client files on website accessible via 08 FEO 5
LAP support groups 01 FEO 5
Metadata, duty to prevent disclosure of and prohibition of use of 09 FEO 1
Minor client
- disclosure of confidential information to parents 98 FEO 18
- disclosure of confidential information of parent seeking representation of 05 FEO 4
Mistake in closing documents RPC 12
Multiple representation RPC 153, 06 FEO 1, 07 FEO 7
Outsourcing legal support services 07 FEO 12
Prospective client, duty to RPC 246, 06 FEO 14
Providing an accounting of disbursements to medical lienholders in personal injury cases 03 FEO 15
Real estate transaction, see REAL ESTATE TRANSACTIONS
Recycling waste paper RPC 133
Settlement agreement, representation of similar claimants after RPC 179, 03 FEO 9
Spouses, receipt of confidential information from prohibits subsequent representation of spouse in domestic action RPC 32
Waste paper, disposal of RPC 133
Wrongful termination claim of former in-house counsel, disclosure of employer's information to support 00 FEO 11
Will contest proceeding, disclosure of deceased client's confidences in 02 FEO 7

CONFLICTS OF INTEREST

See also IMPUTED DISQUALIFICATION, MULTIPLE REPRESENTATION

Administrator, see PERSONAL REPRESENTATIVES OF ESTATES
 Adverse party, preparation of pleading for pro se 02 FEO 6,
 09 FEO 12
 Advisory committee for hospital, service on RPC 100
 Attorney general staff lawyers, see GOVERNMENT LAWYERS
 Bankruptcy
 - representation of remaining spouse in joint Chapter 13 petition
 after other spouse disappears 00 FEO 2
 - representation of husband and wife in joint Chapter 13 after
 divorce, 07 FEO 7
 Bidding at tax foreclosure sale conducted by attorney 06 FEO 5
 Board of trustees of nonprofit hospital, lawyer's service on, bringing suit
 against hospital RPC 160
 Bureau of Indian Affairs, prosecutor for representing criminal defen-
 dants in state and federal court RPC 72
 Business transaction with client, sale of financial products as 01 FEO 9
 Computer based conflict checking system 09 FEO 9
 Consent to multiple representation, effect of one client's revocation of,
 07 FEO 11
 Cross examination of former client 03 FEO 14
 Deed of Trust
 - common representation of lender and trustee 04 FEO 3
 - to secure client's fee, foreclosure on 08 FEO 12
 Disclaimer of client-lawyer relationship in advance does not prevent
 conflict RPC 244
 District attorneys, see PROSECUTORS
 Divorce, see DIVORCE
 Domestic relations, see DOMESTIC RELATIONS
 Escrow agreement, waiver of future conflict 99 FEO 8
 Estate, see ESTATES
 Estate planning
 - joint representation of husband and wife RPC 229
 - joint representation of trusts and fiduciaries RPC 144
 Execution sale, purchase of client's property at RPC 24
 Executor, see PERSONAL REPRESENTATIVES OF ESTATES
 Foreclosure, see FORECLOSURES
 Foreclosure on deed of trust taken to secure client's fee 08 FEO 12
 Former clients, see FORMER CLIENTS
 Former employee of opposing counsel, effect of hiring, see EMPLOY-
 EES OF LAWYERS
 Future conflicts of interest RPC 168, 07 FEO 11
 General contractor and surety, representation of 03 FEO 1
 Government lawyers, see GOVERNMENT LAWYERS
 Guardian ad litem, lawyer appointed as 04 FEO 11
 Guardian of minor child
 - child/father conflict of interest RPC 163
 - lump sum settlement, representation of parents individually and as
 guardians RPC 109
 Incompetency proceeding, representation of respondent when spouse is
 former client 98 FEO 16
 Indemnifying liability carrier for unpaid liens of medical providers RPC
 228
 Insurance representation, see INSURANCE REPRESENTATION
 Joint representation in bankruptcy
 - representation of remaining spouse after other spouse disappears 00
 FEO 2
 - representation of husband and wife in bankruptcy after divorce 07
 FEO 7
 Judge as client, appearance before 97 FEO 1
 Judge as family member, appearance before 05 FEO 1
 Lawyer as public official, see PUBLIC OFFICIAL, LAWYER SERV-
 ING AS
 Lawyer as witness, see WITNESS, LAWYER AS
 Legal services lawyers, representation of adverse interests by 99 FEO 3
 Minor client
 - appointment of guardian, child/father conflict of interest RPC 163
 - lump sum settlement, representation of parents individually and as
 guardians RPC 109
 - representation in court approval of settlement while paid by insurer
 RPC 167
 - representation of parent and minor child RPC 123
 Outsourcing legal support services 07 FEO 12
 Partner's suit against public body upon which lawyer serves 02 FEO 2
 Payment by third party
 - representation of minor in court approval of settlement while paid
 by insurer RPC 167
 Personal representative, seeking removal of 02 FEO 3
 Pilot and passenger in private airplane crash, simultaneous representa-
 tion RPC 28
 Police organization, simultaneous representation of criminal defendants
 RPC 60
 Preparation of
 - affidavit and confession of judgment for unrepresented adverse party
 09 FEO 12
 - legal documents at request of another, 03 FEO 7, 06 FEO 11
 - power of attorney for principal upon request of prospective attor-
 ney-in-fact 03 FEO 7
 Prosecutors, see PROSECUTORS
 Prospective clients, see PROSPECTIVE CLIENTS
 Prospective client, duty of confidentiality may prevent adverse represen-
 tation RPC 246
 Public defenders, see PUBLIC DEFENDERS
 Public official as client, appearance before public body on which client
 serves RPC 143
 Real estate transactions, see REAL ESTATE TRANSACTIONS
 Referral fees
 - acceptance of from investment advisor 99 FEO 1
 - acceptance of from financing company 06 FEO 2
 Relatives
 - married clients, pilot and passenger in private airplane crash RPC
 28
 - married lawyers RPC 11
 Representing condominium association against unit owner RPC 97
 School board
 - in-house counsel serving as administrative hearing officer in discipli-
 nary matters, 07 FEO 10
 - representation on criminal forfeitures RPC 54
 - roles of school board lawyers in administrative proceedings 08 FEO 2
 Screening, see SCREENING
 Settlement
 - multiple representation, parent and child RPC 109
 Tax foreclosure sale, county tax attorney bidding at 06 FEO 5
 Waiver of objection to future conflict RPC 168, 07 FEO 11
 Workers' compensation, see WORKERS' COMPENSATION

CONSENT
 See CONFIDENTIALITY, CONFLICTS OF INTEREST.

CONTINGENT FEES
 Alimony, see ALIMONY
 Child Support, see CHILD SUPPORT
 Court awarded fee, collecting both 02 FEO 4
 Definition of RPC 158
 Division of in departure provision of law firm employment agreement
 08 FEO 8
 Fixed amount for representation and costs, forfeiture to lawyer of
 amount in excess of costs RPC 149, RPC 158
 Flat fee including costs and fine RPC 158
 Hourly rate charge in addition to RPC 235
 Medical payments insurance, contingent and sliding fees for collection
 of RPC 35, RPC 174
 Medical insurance reimbursement and gross recovery, collecting fee on
 both RPC 231

Settlements, see SETTLEMENTS
Structured settlements RPC 141

CORPORATE REPRESENTATION

See also COMMUNICATION WITH ADVERSE PARTIES, COMMUNICATION WITH WITNESSES

Board of directors, duty of lawyer-director when board decision results in unauthorized practice of law, 07 FEO 3

Conflicts of interest

-representing condominium association against unit owner RPC 97

Disclosure of confidential information pursuant to SEC regulations 05 FEO 9

In-house counsel

-disclosure of confidential information by to support personal claim against former employer 00 FEO 11

-other clients, representation of while serving as in-house counsel RPC 9, RPC 151

Wrongful termination claim of in-house counsel 00 FEO 11

COSTS AND EXPENSES OF REPRESENTATION

See also ADVANCING FUNDS TO CLIENTS, FINANCING LITIGATION

Advancing costs

-class action RPC 124

-deposition, unconditional release to client 06 FEO 18

-medical records, unconditional release to client RPC 79

- rental car 01 FEO 7

Court reporting service, selection of RPC 102

Fixed charge for representation and costs RPC 149

Dormancy fee on unclaimed funds, charging 06 FEO 15

Litigation expenses

-advance payment of RPC 51

-financing of by client's assignment of prospective settlement proceeds 00 FEO 4

-lawyer obtaining loan to fund litigation costs 06 FEO 12

-loan to personal injury client RPC 80

Outsourcing legal services 07 FEO 12

Real estate costs, establishing interim account for 05 FEO 11

Storage of file and retrieval, charging client for 98 FEO 9

Trust accounts, see TRUST ACCOUNTS

COUNTY ATTORNEYS

See GOVERNMENT LAWYERS

COUNTY COMMISSIONER, LAWYER SERVING AS

See PUBLIC OFFICIAL, LAWYER SERVING AS

COURT-APPOINTED LAWYERS

See also PUBLIC DEFENDERS

Capital case, lawyer's lack of competence RPC 199

Indigent client offers payment, responsibilities when RPC 52

Notice of appeal, filing to preserve client's rights although without merit 08 FEO 17

Substitution of counsel RPC 58

Withdrawal, charging for a motion allowing, 07 FEO 8

COURTESY

See PROFESSIONALISM AND COURTESY

CREDITORS OF CLIENT

Finance company

- secured interest in settlement proceeds 00 FEO 4

- referring client to 06 FEO 2

Liens

-accounting to medical lienholders in personal injury case 03 FEO 15

-disbursement of settlement proceeds to pay RPC 125

-lawyer's retaining lien prohibited, 06 FEO 18

-medical providers' liens, payment without client's consent RPC 75

- medical providers, payment in absence of lien 01 FEO 11

Settlement funds

-payment of medical providers from RPC 69

-withholding from client in absence of medical lien 01 FEO 11

CRIMINAL REPRESENTATION

See also PROSECUTORS

Bond, lending money to client for RPC 173

Calendar call, paralegal appearing for lawyer 00 FEO 10

Candor to court in sentencing proceeding 03 FEO 5

Capital case

-court-appointed lawyer's lack of competence RPC 199

-stand-by defense counsel RPC 198

Client contraband, taking possession or disclosing to authorities, 07 FEO 2

Communications by government investigators with employees of corporate target 99 FEO 10

Defendant, representation on habitual felon charge when previously prosecuted 03 FEO 14

Driving record, disclosure of 98 FEO 5

Evidence of crime, taking possession of RPC 221, 07 FEO 2

Fees RPC 158

Forfeitures RPC 54

Government lawyer's oversight of investigator's communications with employees of corporate target 99 FEO 10

Plea agreements

-disclosure of material terms RPC 152

-waiver of allegation of ineffective assistance of counsel RPC 129

-waiver of allegation of prosecutorial misconduct RPC 129

-waiver of appellate and post-conviction rights RPC 129

Prosecuting witness, seeking cooperation on plea agreement and settling civil claim against defendant RPC 225

Public official, defense of criminal defendants while serving as, RPC 63, 07 FEO 16

Sentencing proceeding, misrepresentation of prior record level at 03 FEO 5

Stand-by defense counsel in capital case RPC 198

Threatening criminal prosecution 98 FEO 19

DECEASED LAWYERS

Files of clients RPC 16

DISABLED CLIENT

Guardian, seeking appointment of guardian for client RPC 157

Guardian ad litem, lawyer appointed as 04 FEO 11

Incompetent client

-seeking appointment of guardian RPC 157

Incompetency proceeding

-representation of respondent in 98 FEO 16

Power of attorney, preparation upon request of prospective attorney-in-fact 03 FEO 7

DISAPPEARANCE OF CLIENT

Filing complaint after RPC 223

Withdrawal upon 03 FEO 16

DISBARRED LAWYER

Employment of 98 FEO 7

DISCHARGE OF LAWYER

Files of client, see FILES OF CLIENT

DISCLOSURE (IN GENERAL)

See also CANDOR TOWARD TRIBUNAL, CONFIDENTIALITY, DISCLOSURE OF CLIENT IDENTITY

Accounting for disbursements to medical lienholders in personal injury cases 03 FEO 15

Adverse evidence, withholding in disability hearing RPC 230, 98 FEO 1

Agreement in civil settlement not to report to law enforcement 08 FEO 15

Alias, disclosure of client alias in workers' compensation action 08 FEO 1

Audit of real estate trust account by title insurer 08 FEO 13
Authorization to disclose confidential information RPC 12
Child abuse, reporting to county department of social services RPC 120, RPC 175
Citizenship status of opposing party, disclosure to ICE 09 FEO 5
Client assets, disclosure of after chapter 7 bankruptcy case is closed 98 FEO 20
Client contraband, disclosure of location to authorities, 07 FEO 2
Contagious disease of client, reporting to public health authority RPC 117
Death of client during settlement negotiations RPC 182
Deceased client, disclosure of confidences of in will contest proceeding 02 FEO 7
Deceased client, disclosure of confidential information of RPC 206
Disability hearing, withholding adverse medical evidence, RPC 230
Driving record, disclosure of on application for limited driving privilege 98 FEO 5
Estate, confidential information of, see ESTATES
Fees, disclosure necessary in suit to collect 04 FEO 6
Files, material in, see FILES OF CLIENT
Fraud upon tribunal
-by former client 99 FEO 15
-in consent judgment based on false information from client 99 FEO 16
Implied authorization to disclose confidential information RPC 12
Information of parent seeking representation for minor child 05 FEO 4
Legal malpractice, rebuttal of client's assertions in action against liability carrier that employed lawyer RPC 62
Liability carrier for lawyer, disclosure of client information to in anticipation of claim RPC 77
Metadata, duty to prevent disclosure of and prohibition of use of 09 FEO 1
Minor client, disclosure of confidential information to parents 98 FEO 18, 05 FEO 4
Receipt of inadvertently disclosed documents from opposing party RPC 252
Recorded conversations, see RECORDED CONVERSATIONS
Reporting out, as permitted by SEC regulations 05 FEO 7
Responding to opposing counsel's mental health problem 03 FEO 2
Settlement of civil action that includes agreement not to report to law enforcement 08 FEO 15
Subpoena to witness RPC 236
Tape recording opposing counsel RPC 171
Wrongful termination claim, disclosure of corporate information to support 00 FEO 11

DISCLOSURE OF CLIENT IDENTITY

Alias, disclosure of client alias in worker compensation action 08 FEO 1
Demand letter RPC 21
False identity, client testifying under RPC 33
Liability carrier for lawyer, disclosure of client's identity to in anticipation of claim RPC 77

DISCOVERY FOR LITIGATION

Citizenship status of opposing party, discovery request seeking 09 FEO 5
Metadata, duty to prevent disclosure of and prohibition of use of 09 FEO 1

DISQUALIFICATION

See also CONFLICTS OF INTEREST
Imputed disqualification, see IMPUTED DISQUALIFICATION
Instructing client to consult other lawyers to disqualify RPC 181
Multiple representation, see MULTIPLE REPRESENTATION
Prosecutors, see PROSECUTORS
Public officials, see PUBLIC OFFICIALS
Witness, lawyer as, see WITNESS, LAWYER AS

DISTRICT ATTORNEYS

See PROSECUTORS

DIVISION OF FEES

Between lawyer and nonlawyer
-in Social Security disability case 03 FEO 10
Between lawyers in different firms
-referral fees RPC 205
-retirement benefits RPC 13
-with former firm 03 FEO 11
Between lawyers in same firm
-upon departure 08 FEO 8

DIVORCE

See DOMESTIC RELATIONS

DOMESTIC RELATIONS

Alimony, see ALIMONY
Child custody, see CHILD CUSTODY
Child support, see CHILD SUPPORT
Collaborative resolution process, participation in notwithstanding mandatory withdrawal prior to court proceedings 02 FEO 1
Confidentiality, see CONFIDENTIALITY
Conflicts of interest
-bankruptcy, representation of husband and wife after divorce 07 FEO 7
-former client, representation of spouse in action against former domestic relations client RPC 42
-partner's former firm represented opposing party RPC 45
-preparing pleading for unrepresented adverse party 02 FEO 6
Estate planning, joint representation of husband and wife RPC 229
Fee agreement, obtaining interest in client's support payments to secure fee RPC 187
Fee agreement, promissory note secured by interest in marital property as fee payment RPC 186
Former client
-representation of spouse in action against former domestic relations client RPC 42
Imputed disqualification, see IMPUTED DISQUALIFICATION
Income, presentation of consent judgment based on false information about received from client 99 FEO 16
Instructing client to consult with other lawyers to disqualify RPC 181
Spouses, receipt of confidential information from prohibits subsequent representation of spouse in domestic action RPC 32

DUTY TO REPORT

Ed. Note: This heading refers to the reporting of lawyer misconduct unless otherwise indicated.
Child abuse perpetrated by client to department of social services RPC 120, RPC 175
District attorney's duty to report defense lawyer RPC 30
Fraudulent general warranty deed, reporting lawyer's preparation of RPC 17
LAP support groups, no duty to report 01 FEO 5
Mental health professional, sexual impropriety, agreement not to report to appropriate licensing authority RPC 159
Opposing counsel's mental health problem 03 FEO 2
Release of settlement proceeds without satisfying conditions precedent RPC 127
Remedial measures by lawyer irrelevant to reporting requirement RPC 17
Settlement with lawyer prohibiting disclosure of misconduct RPC 84

EMPLOYEES OF LAWYERS

See also NONLAWYERS and TEMPORARY LAWYERS
Bail Bondsman RPC 1
Bonus RPC 147
Compensation of nonlawyer representing Social Security claimants 05 FEO 6
Contacting clients of former employer 09 FEO 3

Contracting with outside company to administer law office 01 FEO 2, 03 FEO 6
Confidentiality, effect of hiring former employee of opposing counsel RPC 176
Depositions, role of paralegal in RPC 183
Disbarred lawyer 98 FEO 7
Division of fees
-percentage bonus as RPC 147
-with nonlawyer employee representing Social Security claimants 05 FEO 6
Former employee of opposing counsel, hiring RPC 74, RPC 176
Gifts from court reporting service RPC 102
Independent contractor, using services of RPC 216, 99 FEO 6
Investigator RPC 1
Management firm, contracting with to administer law office 01 FEO 2, 03 FEO 6
Negotiating with claims adjusters RPC 70
Nonlawyer representing Social Security claimants 05 FEO 2, 05 FEO 6
Outsourcing legal support services 07 FEO 12
Part-time employees RPC 1
Secretary who is also real estate agent RPC 88
Signing lawyer's name to pleadings 06 FEO 13
Supervision of
-conflicts of interest RPC 102
-independent paralegal searching real estate titles 99 FEO 6
-employee negotiating with claims adjusters RPC 70
-paralegal appearing at calendar call 00 FEO 10
-paralegal closing a residential real estate transaction 99 FEO 13, 01 FEO 4, 01 FEO 8, 02 FEO 9, Authorized Practice 2002-1.
-paralegal signing lawyer's name to pleadings 06 FEO 13
-unemployment hearing, nonlawyer appearing for party at 09 FEO 10
Title abstract services RPC 29, 99 FEO 6
Witness in litigation RPC 19, RPC 213

EMPLOYEES OF OPPOSING COUNSEL

See EMPLOYEES OF LAWYERS

ESCHEAT OF CLIENT PROPERTY

Charity, donating client funds to without consent RPC 149
Trust funds RPC 89

ESCROW ACCOUNTS

See also TRUST ACCOUNTS
Conflict of interest absent, representation of party after resignation as escrow agent 98 FEO 11
Disbursement of escrowed funds, dispute over RPC 66
Dispute over disbursement, representation of one party pursuant to waiver of future conflict 99 FEO 8
Guidelines for maintaining RPC 66
Real estate transactions
-disbursement of escrowed funds RPC 66
Resignation as escrow agent to represent obligor or obligee 98 FEO 11

ESTATES

Administrators, see PERSONAL REPRESENTATIVES OF ESTATES
Authority to act, drafting estate documents at request of third party 06 FEO 11
Confidential information of deceased client, disclosure in a will contest proceeding 02 FEO 7
Confidential information of deceased client, disclosure to personal representative RPC 206
Confidential information, disclosure to substitute personal representative RPC 195
Conflicts of interest
-defending former personal representative against claim brought by estate RPC 137

-personal representative, representing in individual and official capacities RPC 22
-seeking to remove co-executor of an estate 99 FEO 4
Decedent's confidential information, disclosure to personal representative RPC 206
Executors, see PERSONAL REPRESENTATIVES OF ESTATES
Financial products, sale to client as part of estate plan 01 FEO 9
Heirs, duty to when filing wrongful death action for estate 07 FEO 1
Identity of client, lawyer represents estate as entity and personal representative in official capacity RPC 137, 07 FEO 1
Multiple representation RPC 144
Personal representatives, see PERSONAL REPRESENTATIVES OF ESTATES
Principal, drafting documents for at the request of a third party 06 FEO 11
Seeking removal of personal representative 02 FEO 3
Spouses, joint representation in estate planning RPC 229
Witness, lawyer as RPC 142

EX PARTE COMMUNICATIONS

See COMMUNICATIONS WITH JUDGES
See also COMMUNICATIONS WITH ADVERSE PARTIES, COMMUNICATIONS WITH WITNESSES

FAMILY LAW

See ALIMONY, CHILD SUPPORT, DOMESTIC RELATIONS

FEE AGREEMENTS

See also CONTINGENT FEES, FEES, RETAINER AGREEMENTS
Advance fees, guidelines for 08 FEO 10
Alternative dispute resolution, requiring in fee dispute RPC 107
Court awarded fee and contingent fee, collection of both 02 FEO 04
Fee sharing with nonlawyer/claimant's representative in Social Security case 03 FEO 10
Guidelines for fees paid in advance 08 FEO 10
Hourly billing, guidelines for agreement based on, 07 FEO 13
Minimum fees earned upon payment 08 FEO 10
Model provisions for 08 FEO 10
Nonrefundable retainers, see RETAINER AGREEMENTS
Renegotiation, increase in hourly rate RPC 166
Security for fee, see FEES
Settlements, see SETTLEMENTS
Support payments of domestic client, obtaining interest in to secure legal fee RPC 187

FEES

See also COLLECTIONS, CONTINGENT FEES, COSTS AND EXPENSES OF REPRESENTATION, DIVISION OF FEES BETWEEN LAWYERS, FEE AGREEMENTS
Acceptance of referral fee from investment advisor 99 FEO 1
Advance payment of RPC 50, RPC 158, 97 FEO 4, 00 FEO 5, 05 FEO 13, 08 FEO 10
Arbitration of fee dispute, purpose of mandatory requirement RPC 222
Assignment of client's judgment as payment or security for fee RPC 134
Client-lawyer relationship created by collecting fee, 06 FEO 14
Contingent fee and court awarded attorney fee, collecting both 02 FEO 4
Collection of
-collection agency, use permitted RPC 7
-disclosure of confidential information to collect 04 FEO 6
-foreclosure on deed of trust, 08 FEO 12
Court petition for, disclosure of discounted legal fees in 01 FEO 1
Credit card, payment by 97 FEO 9, 09 FEO 4
Deed of trust to secure fee, initiating foreclosure on 08 FEO 12
Definitions of 08 FEO 10
Disputed fees, transfer from trust account to lawyer upon certain conditions 06 FEO 16

- Division of fee with lawyer for referral RPC 148
- Division of fees with nonlawyer
 - percentage bonus paid to employee RPC 147
 - representing Social Security claimants 05 FEO 6
- Duty to return fees to third party payor 05 FEO 12
- Earned upon receipt RPC 50, 97 FEO 4, 00 FEO 5, 08 FEO 10
- Electronic transfer, payment of fees by RPC 247
- Fee agreement, see FEE AGREEMENTS
- Fee dispute resolution program of the State Bar
 - charging for time expended to participate in 00 FEO 7
 - disputed fees, transfer to lawyer after dismissal of petition to program 06 FEO 16
- Finance charge on 98 FEO 3
- Flat fees 97 FEO 4, 00 FEO 5, 08 FEO 10
- Hourly billing, guidelines for, 07 FEO 13
- Insurer's billing guidelines, compliance with 98 FEO 17
- Judgment, assignment of as payment for legal fee RPC 134
- Medical payments insurance, prohibition on contingent and sliding fees for collection of RPC 35, RPC 174
- Minimum fees earned upon payment 08 FEO 10
- Minor plaintiff, court approval of settlement, compensation of minor's lawyer paid by carrier RPC 167
- Mixed fee based on hourly rate and contingent fee RPC 235
- Nonrefundable fees RPC 158, 00 FEO 5, 08 FEO 10
- Nonrefundable retainers, see RETAINER FEES
- Proceeds from client's medical payments insurance and gross recovery, collecting fee on both RPC 231
- Recovering legal fees from opposing party RPC 196
- Referral fees, see DIVISION OF FEES BETWEEN LAWYERS
- Refund of
 - advance fee RPC 158, 00 FEO 5, 08 FEO 10
 - client's appeal bond, application to fees RPC 37
 - flat fee 97 FEO 4, 00 FEO 5, 08 FEO 10
 - prepaid fee RPC 106, 08 FEO 10
 - to third party payor 05 FEO 12
 - unearned fee 05 FEO 13, 08 FEO 10
- Reused work product, billing for RPC 190
- Security for fee
 - confession of judgment RPC 222
 - promissory note and deed of trust in domestic case RPC 186 08 FEO 12
 - retaining file prohibited as, 06 FEO 18
- Sliding fee for collecting proceeds from insured's medical payments liability insurance RPC 174
- Solicitation of, from third parties 98 FEO 14
- Third party payors 98 FEO 14, 05 FEO 12
- Withdrawal, charging client for motion to allow 07 FEO 8

FILES OF CLIENT

- Access to by lawyer who departs firm RPC 227
- Computer based conflict checking system 09 FEO 9
- Co-party, release of file to RPC 245
- Correspondence with insurance carrier, surrendering copies to insured RPC 92
- Deceased lawyer's files RPC 16
- Deposition transcript, unconditional release to client upon termination of representation 06 FEO 18
- Disposing of closed files, guidelines RPC 16, RPC 209, 09 FEO 9
- Documents, releasing original documents to client upon termination of representation RPC 169
- Electronic mail (email), retention of 02 FEO 5
- Electronic storage of RPC 234
- Guardian, release of client's file to 98 FEO 16
- Internet, storing client files on website accessible by 08 FEO 5
- Medical records obtained during case evaluation, unconditional release to client upon termination of representation RPC 79

- Multiple representation
 - delivery of file upon termination of representation RPC 178
 - delivery of information entrusted to lawyer by other client RPC 153
- New lawyer hired by client, providing information to RPC 153
- Original documents, delivery to client RPC 178
- Photocopies of documents in file, lawyer's responsibility for cost upon termination of representation RPC 169, RPC 178
- Recycling office waste paper RPC 133
- Storage of
 - on website accessible by Internet 08 FEO 5
 - retrieval, charging client for 98 FEO 9
- Termination of representation
 - delivery of file to client RPC 178
 - photocopies of documents in file, lawyer's responsibility for cost upon termination of representation RPC 169
 - surrender of deposition transcript upon, 06 FEO 18
- Title notes, releasing to client RPC 169, RPC 227

FINANCING LITIGATION

- Financing company taking interest in litigation 00FEO 4
- Lawyer obtaining loan for 06 FEO 12
- Referring client to financing company 06 FEO 2

FORECLOSURES

- Bankruptcy, see BANKRUPTCY
- County attorney bidding on real property at tax foreclosure sale 06 FEO 5
- Deed of trust, common representation of lender and trustee on 04 FEO 3
- Foreclosing deed of trust on client's property 08 FEO 12
- Representation in purchase of foreclosed property 06 FEO 3
- Trustee, lawyer as
 - disqualification not imputed to other lawyers of firm 08 FEO 11
 - filing motion to set aside automatic stay in bankruptcy RPC 46
 - preparing work-out agreement RPC 90
 - representation of beneficiary on other matters while serving as 08 FEO 11
 - resignation to represent lender RPC 90
 - responsibilities and limitations on, comprehensive guidelines RPC 82
 - service as after representing seller RPC 3
 - suing former debtor after foreclosure is complete RPC 64

FORMER CLIENTS

- Ed. Note: This heading refers primarily to conflicts of interest.*
- See also FILES OF CLIENT
- Borrower in real estate transaction, service as trustee in foreclosure against RPC 3
- Client who pays consultation fee is former client 06 FEO 14
- Confidential settlement agreement, representation of similar claimants after participation in 03 FEO 9
- Employee contacting clients of former employer 09 FEO 3
- Escrow dispute, waiver of future conflict 99 FEO 8
- Estate, defending former personal representative against claim brought by estate RPC 137
- File
 - delivery of information entrusted to lawyer by other client RPC 153
 - retention of email correspondence 02 FEO 5
- Medical malpractice claim against RPC 27
- Multiple representation, see MULTIPLE REPRESENTATION

GOVERNMENT LAWYERS

- Attorney general staff lawyers
 - judicial consultations prohibit representation in appeal RPC 122
 - representation of adverse interests RPC 55
- Communications with judges RPC 122

Conflicts of interest

- appellate representation of county does not prohibit suit against county on unrelated matters RPC 131
- attorney general staff lawyers RPC 55
- county attorney acting as guardian ad litem in child abuse case RPC 14
- county attorney bidding on real property at tax foreclosure sale 06 FEO 5
- school board, representation on criminal forfeitures RPC 54
- sheriff's department, representation of prohibits representation of criminal defendants RPC 73

Cross-examination of former client 03 FEO 14

District attorneys, see PROSECUTORS

Imputed disqualification

- representation of sheriff's department disqualifies other members of firm from representing criminal defendants RPC 73

Law firm for county, partner's election to board of county commissioners does not disqualify RPC 130

Oversight of investigation and communications with employees of corporate target 99 FEO 10

Public officials, see PUBLIC OFFICIAL, LAWYER SERVING AS

School board lawyers

- in-house counsel serving as administrative hearing officer in disciplinary matters 07 FEO 10
- representation on criminal forfeitures RPC 54
- roles of school board lawyers in administrative proceedings 08 FEO 2

Unauthorized practice of law in quasi-judicial proceeding before local government, government lawyer's response to 07 FEO 3

GUARDIANS

Conflicts of interest, see CONFLICTS OF INTEREST

Child represented by GAL and attorney, communication with RPC 249

Direct communication with represented GAL 02 FEO 8

Disabled clients, see DISABLED CLIENTS

Guardian ad litem in child neglect or abuse proceeding

- lawyer serving as 04 FEO 11
- prohibition on communication with represented person does not apply to lawyer acting solely as 06 FEO 19
- prohibition on communication with represented person does not apply to nonlawyer serving as 06 FEO 19

Incompetent client, see DISABLED CLIENTS

Minors, child/father conflict of interest RPC 163

Revealing confidential information to parents of minor client 98 FEO 18

Seeking to remove guardian ad litem 06 FEO 9

IMPURED DISQUALIFICATION

Attorney general staff lawyer RPC 122

Firm member's service on board of trustees of nonprofit hospital, filing suit against hospital RPC 160

Former partner jointly represented spouses, subsequent representation of spouse in domestic action RPC 32

Government lawyers, see GOVERNMENT LAWYERS

Judge related to firm lawyer, appearance before 05 FEO 1

Legal services lawyers, representation of adverse interests by 99 FEO 3

Partner's former firm represented opposing party RPC 45

Partner serving as public official, see PUBLIC OFFICIAL, LAWYER SERVING AS

Trustee for foreclosure, see FORECLOSURE

INCOMPETENT CLIENT

See DISABLED CLIENT

INDIGENT PERSONS

Court-appointed lawyers, see COURT-APPOINTED LAWYERS

Pro se representation, see PRO SE REPRESENTATION

IN-HOUSE COUNSEL

See CORPORATE REPRESENTATION

INSURANCE REPRESENTATION

Advising insured and insurer on settlement value of case 03 FEO 12
Arbitration, in-house legal counsel for carrier, representation of insured RPC 151

Audited legal bills, disclosure of information about insured's representation in bills submitted to insurer's auditor 98 FEO 10, 99 FEO 11

Billing guidelines of insurance carrier 98 FEO 17

Communication with adverse insurance carrier RPC 39

Communication with adverse party RPC 15

Communication with defendant/insured in personal injury action prior to carrier's appointment of lawyer to represent RPC 194

Conflicts of interest

-audited legal bills 98 FEO 10

-bad faith action against insurer for failure to pay liability claim, simultaneous representation of insured and claimant RPC 207

-billing, compliance with carrier's requirements and guidelines 98 FEO 17

-demanding carrier settle within policy limits on behalf of insured RPC 91

-dismissal of insured's counterclaim RPC 103

-indemnifying liability carrier for unpaid liens of medical providers RPC 228

-in-house counsel for carrier, representation of insured and carrier RPC 151

-insured's compulsory counterclaim, representation on RPC 172

-minor plaintiff, court approval of settlement, compensation of minor's lawyer paid by carrier RPC 167

-personal injury victim and medical insurance carrier with subrogation agreement, simultaneous representation RPC 170

-plaintiff's offer to limit insured's liability in exchange for admission of liability RPC 112

-plaintiff's offer to limit insured's liability in exchange for consent to amend complaint RPC 111

-settlement advice and 03 FEO 12

-suing insured while defending other persons insured by same carrier RPC 56

-underinsured motorist carrier, representation of carrier in name of underinsured motorist RPC 110

-underinsured motorist carrier, representation of insured, carrier, and same carrier relative to underinsured motorist coverage carried by plaintiff RPC 177

-uninsured motorist carrier, representation of insured, carrier, and same carrier relative to uninsured motorist coverage carried by plaintiff RPC 154

Correspondence with carrier, surrendering copies to insured RPC 92

Declaratory judgment action

-representation of carrier and insured as coplaintiffs RPC 59, RPC 151

-representation of insured during pendency of carrier's declaratory judgment action against insured RPC 140

Duty to insured RPC 92

Fees

-contingent and sliding fees for collecting proceeds from insured's medical payments liability insurance RPC 35, RPC 174

-disclosure of information about insured's representation in bills submitted to insurer's auditor 98 FEO 10, 99 FEO 11

Interpleader, in-house legal counsel for carrier filing action for allocation of settlement proceeds RPC 151

Medical payments insurance,

-prohibition on contingent and sliding fees for collection of RPC 35, RPC 174

-proceeds from policy and gross recovery, collecting fee on both RPC 231

Minor, representation of in court approval of settlement RPC 167

Multiple representation

- disclosure of information to employer and workers' compensation carrier 06 FEO 1
- in-house legal counsel for carrier, representation of insured and carrier RPC 151
- representation of carrier and insured in declaratory judgment action RPC 59
- representation of insured, carrier, and same carrier relative to underinsured motorist coverage carried by plaintiff RPC 177
- representation of insured, carrier, and same carrier relative to uninsured motorist coverage carried by plaintiff RPC 154, RPC 177
- representation of insured during pendency of carrier's declaratory judgment action against insured RPC 140
- representation of personal injury victim and medical insurance carrier with subrogation agreement RPC 170

Settlement advice to multiple clients 03 FEO 12

Subrogation claim, in-house legal counsel for carrier, representation of carrier and insured RPC 151

Uncooperative insured, following carrier's instructions while representing 99 FEO 14

Uninsured and underinsured motorist coverage

- communication with represented defendant by lawyer for underinsured motorist carrier RPC 110
- communication with unrepresented defendant after uninsured motorist carrier has elected to defend in the name of defendant RPC 193
- in-house legal counsel for carrier, appearing as attorney for uninsured motorist to defend UIM claim RPC 151
- representation of insured, carrier, and same carrier relative to uninsured motorist coverage carried by plaintiff RPC 154
- representation of insured, insurer, and uninsured motorist carrier RPC 177
- underinsured motorist, UIM action pending, withdrawal of lawyer appointed by motorist's liability carrier upon payment of policy limits RPC 156
- uninsured motorist, withdrawal from representation of RPC 8

Waiver of affirmative defense by insured, insured's consent required RPC 118

INTERNET

See also ADVERTISING AND SOLICITATION

Advertising RPC 239, RPC 241, 00 FEO 1, 00 FEO 3

Case summaries, including on Web page 09 FEO 6

Client files, storing on website accessible by clients 08 FEO 5

Directory of lawyers, participating in RPC 241

Jury verdict record, advertising on Web page 00 FEO 1, 09 FEO 6

On-line legal matching service 04 FEO 1

URL for firm website is trade name 05 FEO 8

Virtual law practice and unbundled legal services 05 FEO 10

Website, URL need not include identifying information 05 FEO 14

INVESTIGATORS

See also EMPLOYEES OF LAWYERS

Communication with represented party through investigator 03 FEO 4

Hiring bail-bondsman as part-time investigator RPC 1

JOINT REPRESENTATION

See MULTIPLE REPRESENTATION

JUDGES

See also, COMMUNICATIONS WITH JUDGES

Administrative hearing officer for school board, subsequent representation in same matter 07 FEO 10

Client, appearance before judge who is 97 FEO 1

Family member, appearance before judge who is 05 FEO 1

JURORS

Questionnaire, sending to prospective jurors RPC 214

LAW FIRMS

See also MULTIDISCIPLINARY PRACTICE, PARTNERSHIPS, PROFESSIONAL CORPORATIONS

Advertising or holding out as RPC 116

Agreements addressing lawyer departure or dissolution of firm, see RESTRICTIVE COVENANTS

Bona fide law firm, holding out as practicing in RPC 116

Disqualification imputed to members, see IMPUTED DISQUALIFICATION, SCREENING

Dissolution

-responsibilities of lawyers upon RPC 48, RPC 98, RPC 200

-valuing effect of lawyer's departure in firm agreement 07 FEO 6

Employment agreements, division of contingent fees in upon departure 08 FEO 8

Fee division, see DIVISION OF FEES

Honest dealings between present and former members 03 FEO 11

Management company, contracting with to administer law office 01 FEO 2, 03 FEO 6

Name of firm

-owner's surname, sale to law firm for use in 06 FEO 20

-retired lawyers, see RETIRED LAWYERS

Outsourcing legal support services 07 FEO 12

Partnership of professional corporations 04 FEO 13

Sale of 98 FEO 6

Sharing office space and expenses, question of bona fide partnership RPC 116

LAW RELATED SERVICES

Rules of Professional Conduct govern lawyer's conduct with respect to provision of RPC 238

LAWYER AS WITNESS

See WITNESS, LAWYER AS

LAWYER CLIENT RELATIONSHIP

Client's decision-making authority

-exclusive authority to settle RPC 145

-plaintiff's offer to limit insured's liability in exchange for consent to amend complaint RPC 111

-settlement funds, disbursement of RPC 125

-termination of real estate closing upon instruction of buyer 08 FEO 7

Constructive discharge of lawyer RPC 223

"Covering" a court proceeding as a favor to another lawyer, client-lawyer relationship arising from 99 FEO 12

Disclaimer of

-communications via internet message board requires 00 FEO 3

-in advance of initial conference RPC 244

-seller representation when preparing a deed in real estate closing 04 FEO 10

Execution of adoption pleadings prepared by another as accommodation for social service agency RPC 139

Fee, payment creates 06 FEO 14

Financial institutions RPC 121

Incompetent client, see DISABLED CLIENTS

Limiting objectives of representation RPC 240

Outsourcing legal support services 07 FEO 12

Pro se litigant, see PRO SE REPRESENTATION

Service as guardian ad litem, no lawyer-client relationship 04 FEO 11

Waiver of affirmative defense, client's consent required RPC 118

LAWYER REFERRAL SERVICES

Advertising

-characterization of participating lawyers as the "best" RPC 135

-requirements RPC 135

Participation

-in general RPC 10

-more than one lawyer required RPC 94

-on-line legal matching service 04 FEO 1

LEGAL AID AGENCIES

See also INDIGENT PERSONS

Pro se representation, see PRO SE REPRESENTATION

Representation of adverse interests by lawyers with Legal Services of NC 99 FEO 3

LEGAL ASSISTANTS

See EMPLOYEES OF LAWYERS

LEGAL DIRECTORIES

Internet directory RPC 241

On-line legal matching service 04 FEO 1

Out-of-state lawyers working in North Carolina law firm RPC 68

LIENS

See CREDITORS OF CLIENT

LETTERHEAD

"Corresponding lawyer," listing out-of-state lawyer as RPC 31

Nonlawyers RPC 126

Out-of-state lawyers RPC 25

LIMITED REPRESENTATION

"Covering" a court proceeding as a favor to another lawyer, client-lawyer relationship arising from 99 FEO 12

Disclaimer of client-lawyer relationship in advance RPC 244

Ghostwriting pleadings and other documents RPC 114, 08 FEO 3

Limiting objectives of representation RPC 240

Limiting representation to buyer while preparing deed in real estate transaction 04 FEO 10

Property damage claim, declining to represent plaintiff although representing plaintiff on related personal injury claim RPC 240

Unbundled legal services 05 FEO 10

LOANS

See also ADVANCING FUNDS TO CLIENTS

Costs and expenses of litigation, see COSTS AND EXPENSES OF REPRESENTATION

Personal injury client, lending money to RPC 80

MAILINGS

See also ADVERTISING AND SOLICITATION

Envelope, extraneous statements on 06 FEO 6, 07 FEO 15

Incorporators of business, letter soliciting representation must contain advertising disclosure RPC 242

Newcomers on list of Chamber of Commerce RPC 26

MEDIATION

See ALTERNATIVE DISPUTE RESOLUTION

MEDICAL EXPENSES

See CREDITORS OF CLIENT

MISCONDUCT

Affixing excess tax stamps on recorded deed 01 FEO 12

Attribution when using written work of another 08 FEO 14

Citizenship status, reporting to ICE 09 FEO 5

Duty to report misconduct of lawyer, see DUTY TO REPORT

Misrepresentation of prior record level in sentencing proceeding 03 FEO 5

Notary public, compliance with applicable laws when acting as 00 FEO 8

Obtaining medical records 99 FEO 2

Settlement of civil action that includes agreement not to report to law enforcement 08 FEO 15

Subpoena, misuse of RPC 236, 08 FEO 4

Threatening immigration prosecution 05 FEO 3

Threats involving the criminal justice system 98 FEO 19, 08 FEO 15

MULTIDISCIPLINARY PRACTICE

See also BUSINESS ACTIVITIES, LAW FIRMS

Accounting and legal services offered by same firm 00 FEO 9

Financial products, sale to legal client 01 FEO 9

MULTIPLE REPRESENTATION

Bankruptcy, joint representation of husband and wife in Chapter 13 00 FEO 2

Claimants in personal injury case RPC 251

Confidentiality

-disclosure of information entrusted to lawyer by other client RPC 153

-disclosure of information to employer and workers' compensation carrier 06 FEO 1

Consent to, effect of one client's revocation of 07 FEO 11

Estate matters, see ESTATES

File of client, delivery upon termination of representation RPC 178

General contractor and surety, representation of 03 FEO 1

Insurance representation, see INSURANCE REPRESENTATION

Parent and child RPC 109, RPC 123

Real estate transactions, see REAL ESTATE TRANSACTIONS

School board and administration

-roles of school board lawyers in administrative proceedings before the board 08 FEO 2

Spouses for estate planning RPC 229

Workers' compensation death benefits, representing multiple claimants for 01 FEO 6

NONLAWYERS

See also EMPLOYEES OF LAWYERS, UNAUTHORIZED PRACTICE OF LAW

Educational seminars, employing nonlawyers to present 08 FEO 6

Employees contacting clients of former employer 09 FEO 3

Employing nonlawyer to represent Social Security claimants 05 FEO 2

Fee sharing with nonlawyer/claimant's representative in Social Security case 03 FEO 10, 05 FEO 6

Hiring bail-bondsman as part-time investigator RPC 1

Independent title abstractor, using services of RPC 216

Outsourcing legal support services 07 FEO 12

Paralegal

- appearing at calendar call for lawyer 00 FEO 10

- signing lawyer's name to pleading 06 FEO 13

- supervision of residential real estate closing by 99 FEO 13, 01 FEO 4, 01 FEO 8, 02 FEO 9

Letterhead, see LETTERHEAD

Prosecutor's administrative assistant, supervision of plea negotiations by RPC 152

Real estate closing, paralegal's role in 99 FEO 13, 02 FEO 9

Real estate closing, nonlawyer's role in Authorized Practice Advisory 2002-1

Social service agency, execution of adoption papers as accommodation for RPC 139

Supervision of an independent paralegal 99 FEO 6

Unemployment hearing, supervision of nonlawyer at 09 FEO 10

NOTARY PUBLIC

Lawyer as

-notarizing documents in proceedings in which lawyer appears RPC 136

-compliance with applicable laws 00 FEO 8

OF COUNSEL DESIGNATION

Guidelines for designation RPC 34, RPC 85

Out-of-state lawyer RPC 25, RPC 34

Out-of-town lawyer RPC 85

OUT-OF-STATE LAWYERS

Legal directory listing, see LEGAL DIRECTORIES

Letterhead, see LETTERHEAD

PARALEGALS

See EMPLOYEES OF LAWYERS

PARTNERSHIPS

See also LAW FIRMS

Advertising or holding out as RPC 116

Forming law partnership of professional corporations 04 FEO 13

Sharing office space and expenses RPC 116

PAYMENT

See FEE AGREEMENTS, FEES

PERJURY

See also CANDOR TOWARD TRIBUNAL

Client perjury in deposition, response to RPC 203

Criminal representation

-false identity, client testifying under RPC 33

Disclosure of client's criminal record RPC 33

Driving record, withholding information about 98 FEO 5

PERSONAL INJURY REPRESENTATION

Advancing funds to client, see ADVANCING FUNDS TO CLIENTS

Automobile accident representation, see INSURANCE REPRESENTATION

Communications with adverse parties, see COMMUNICATIONS WITH ADVERSE PARTIES

Communications with witnesses, see COMMUNICATIONS WITH WITNESSES

Contingent fees, see CONTINGENT FEES

Disbursement of settlement funds

-in reliance on bank's funding schedule 06 FEO 8

-upon deposit of funds provisionally credited to trust account 01 FEO 3

-see also CREDITORS OF CLIENT

Insurance representation, see INSURANCE REPRESENTATION

Medical records, obtaining by subpoena 99 FEO 2

Multiple representation, see MULTIPLE REPRESENTATION

PERSONAL REPRESENTATIVES OF ESTATES

Confidential information, disclosure of deceased client's confidences in a will contest proceeding 02 FEO 7

Confidential information, disclosure to substitute personal representative RPC 195

Conflicts of interest

-co-executor, seeking to remove 99 FEO 4

-former personal representative, defending against claim brought by estate formerly represented by lawyer RPC 137

-personal representative, representing in individual and official capacities RPC 22

-personal representative, seeking removal of 02 FEO 3

PHYSICIANS

See also CREDITORS OF CLIENT, COMMUNICATION WITH WITNESSES

PREPAID LEGAL SERVICES

Disclosure in fee petition 01 FEO 1

Participation in

-plan owned by member of lawyer's family RPC 71

-plan that does not satisfy Rules of Professional Conduct 06 FEO 4

Solicitation RPC 71

PROFESSIONAL CORPORATIONS

See LAW FIRMS

PROFESSIONALISM AND COURTESY

Calendar call, responsibility to lawyer who fails to appear RPC 208

Confidential information of third parties, protecting 06 FEO 10

Default, notifying opposing lawyer prior to obtaining an entry of RPC 212

Metadata, prohibition on use of 09 FEO 1

Receipt of inadvertently disclosed documents from opposing party RPC 252

Recording conversation with opposing counsel RPC 171

PROSECUTORS

See also CRIMINAL REPRESENTATION

Communication with unrepresented person charged with a traffic infraction RPC 189

Conflicts of interest

-school board, service on RPC 95

Dismissal

-of charges against incarcerated person, duty to notify appropriate authorities RPC 197

-of DWI when suppression order eliminates evidence of 09 FEO 15

Investigation oversight, communication with employees of corporate target during 99 FEO 10

Nonlawyer assistant, see NONLAWYERS

Plea agreement and negotiation

-charitable contribution as condition of RPC 204

-disclosure of material terms RPC 152

-waiver of allegation of prosecutorial misconduct RPC 129

-waiver of appellate and post-conviction rights RPC 129

Scheduling cases, using discretion of prosecutor to coerce a plea agreement RPC 243

Sentencing proceeding, misrepresentations to court 03 FEO 5

Undercover officer planted in jail cell of represented criminal defendant 97 FEO 10

PRO SE REPRESENTATION

Assisting pro se litigant without making an appearance or disclosing assistance 08 FEO 3

Communications with unrepresented prospective defendant in personal injury action RPC 194

Confession of judgment, preparation for unrepresented adverse party RPC 165

Ghostwriting for pro se litigant 08 FEO 3

Indigent persons, assistance from legal aid agency RPC 114

Preparation of pleading for adverse pro se party 02 FEO 6, 09 FEO 12

Prosecutor, communication with unrepresented person charged with traffic infraction RPC 189

Stand-by defense counsel in capital case, duties of RPC 198

Uninsured motorist, communication with after uninsured motorist carrier has elected to defend in name of defendant RPC 193

Unrepresented heir of estate, communication with 07 FEO 1

Unrepresented insured, communication with to present settlement demands RPC 15

Unrepresented prospective defendant in personal injury action, communications with RPC 194

PROSPECTIVE CLIENTS

Consultation fee, payment creates client-lawyer relationship 06 FEO 14

Duties to prospective clients, in general 03 FEO 8

Prospective client, duty of confidentiality may prevent adverse representation RPC 246

PUBLIC DEFENDERS

Conflicts of interest

-codendants RPC 65

-school board, service on RPC 105

Funds of client RPC 4

Multiple representation RPC 65

PUBLIC OFFICIAL, LAWYER SERVING AS

Conflicts of interest

-cross examination of law enforcement officer by defense lawyer who is elected official RPC 63, 07 FEO 16

- partner's suit against governing body upon which lawyer serves RPC 53, 02 FEO 2
- suing nonprofit hospital when partner serves on board of trustees RPC 160, *see also* 02 FEO 2
- Defense of criminal defendants while serving as county commissioner or city council member RPC 63, 07 FEO 16
- District attorney, *see* PROSECUTORS
- Disqualification of lawyer/commissioner from representation of criminal defendants RPC 73
- Election to county board of commissioners of partner of firm that represents county, effect RPC 130
- Government employee, lawyer as, *see* GOVERNMENT LAWYERS
- Imputed disqualification
 - defense of criminal defendants while partner is serving as county commissioner RPC 63, RPC 73, 07 FEO 16
- Prosecutor, *see* PROSECUTORS
- School board, representation of while serving as county commissioner RPC 63
- Unauthorized practice of law in quasi-judicial proceeding before local government body, response to 07 FEO 3

PUBLICITY, TRIAL

- Civil trial 98 FEO 4

REAL ESTATE TRANSACTIONS

- See also* FORECLOSURES, UNAUTHORIZED PRACTICE OF LAW

- Affixing excess tax stamps on recorded deed 01 FEO 12
- Approved attorney lists of lenders RPC 57
- Audit of real estate trust account by title insurer 08 FEO 13
- Brokerage owned by lawyers RPC 49
- Closings
 - costs, establishing interim account for 05 FEO 11
 - disbursements against provisional credit RPC 191
 - disbursements, following lender's instructions RPC 44
 - discontinued upon buyer's instructions 08 FEO 7
 - duties when lawyer believes title company engaged in unauthorized practice of law 09 FEO 2
 - mortgage brokerage owned by lawyers, closing transactions brokered by RPC 248
 - presence of attorney 99 FEO 13, 01 FEO 4, 01 FEO 8, 02 FEO 9, Authorized Practice Advisory 2002-1
 - recording before disbursement upon lender's instructions RPC 44
 - recording costs, payment for deposited in trust account RPC 47
 - recording discontinued upon buyer's instructions 08 FEO 7
 - supervising paralegal 99 FEO 13, 01 FEO 4, 01 FEO 8, 02 FEO 9
 - upon deposit of loan check that lender's agreement purports to make certified RPC 232
 - witness closings 98 FEO 8
- Conditional delivery of deed 07 FEO 9
- Conditional delivery of trust account checks to real estate agent before depositing loan proceeds and recording RPC 44, RPC 78
- Confidentiality, client's lien affidavit RPC 113
- Conflicts of interest
 - borrower and lender, representation of both in residential transaction RPC 210
 - borrower's lawyer rendering opinion to lender RPC 101, RPC 121, RPC 210
 - buyer and developer, representation of both in residential transaction 97 FEO 8
 - buyer and seller, representation of both in residential transaction RPC 210, 97 FEO 8
 - closing transaction brokered by agency with which lawyer is a realtor RPC 201
 - closing transaction brokered by relative of closing lawyer RPC 188
 - closing transaction brokered by secretary who is also real estate agent RPC 88

- developer who is regular client, representation of buyer in residential transaction 97 FEO 8
- mortgage brokerage owned by lawyers, closing transactions brokered by RPC 248
- real estate brokerage owned by lawyers, closing transactions brokered by RPC 49
- rendering title opinion to title insurance company when lawyer owns stock in title insurance agency RPC 185
- rendering title opinion upon property in which lawyer has a beneficial interest RPC 83
- trustee and lender, common representation in dispute with borrower 04 FEO 3
- Deed, preparation of without representing seller 04 FEO 10
- Deed of trust, obtaining cancellation from lender after payoff 99 FEO 5
- Disbursement
 - against provisional credit to trust account RPC 86, RPC 191
 - of closing funds after buyer instructs not to disburse 99 FEO 9, 07 FEO 9, 08 FEO 7
- Disbursement of closing funds after buyer instructs not to disburse 99 FEO 9, 08 FEO 7
- Earnest money, receipt prior to closing RPC 86
- Escrow accounts, *see* ESCROW ACCOUNTS
- Foreclosures, *see* FORECLOSURES
- HUD Settlement Statement, misrepresentation of disbursements on RPC 86
- Independent title abstractor, using services of RPC 216
- In-house counsel to lender, preparation of closing documents by RPC 40
- Lender, exclusive representation of RPC 40, RPC 41
- Lender's preparation of closing documents RPC 41
- Mortgage brokerage owned by lawyers, representation as closing agent or to certify title prohibited RPC 248
- Paralegal, supervising in residential closing 99 FEO 13, 01 FEO 4, 01 FEO 8, 02 FEO 9
- Obtaining canceled deed of trust following residential real estate closing 99 FEO 5
- Provisional credit to trust account upon deposit of lender check, disbursement against RPC 86, RPC 191
- Realtor/lawyer, closing transactions brokered by agency with which lawyer is a realtor RPC 201
- Rescission, closing lawyer's representation of buyer in action for 07 FEO 9
- Secretary who is also real estate agent RPC 88
- Seller
 - closing lawyer's representation of and receipt of fee from RPC 86
 - preparation of deed without representation of 04 FEO 10
- Tax Foreclosure 06 FEO 5
- Tax stamps, affixing excess stamps on recorded deed 01 FEO 12
- Title agency, ownership of 99 FEO 6
- Title notes
 - access to by lawyer who departs firm RPC 227
 - releasing to client RPC 169, RPC 227
- Title search
 - tacking onto existing title insurance policy RPC 99
 - title abstract service RPC 29
- Trust account
 - audit by title insurer 08 FEO 13
 - disbursement against provisional credit to RPC 86, RPC 191
 - disbursement in reliance on bank's funding schedule 06 FEO 8
 - interim account for closing costs 05 FEO 11
- Witness closings 98 FEO 8

RECORDED CONVERSATIONS

- Illegal tape recording, use in trial RPC 192, RPC 220
- Opposing counsel, recording conversation with RPC 171

REPORTING PROFESSIONAL MISCONDUCT

- See* DUTY TO REPORT

RESTRICTIVE COVENANTS

Buyout agreement, valuing effect of lawyer's departure in 07 FEO 6
Employment agreement restricting right to practice 01 FEO 10
Settlement agreement restriction on lawyer's representation of similarly situated claimants RPC 179, 03 FEO 9

RETAINER AGREEMENTS

See RETAINER FEES

RETAINER FEES

Nonrefundable retainers RPC 50, RPC 158, 97 FEO 4, 00 FEO 5, 08 FEO 10

RETIRED LAWYERS

Division of fees with, see DIVISION OF FEES BETWEEN LAWYERS
Name of firm RPC 13
Restricting practice, agreement with RPC 13

SCREENING

Duties to prospective clients, in general 03 FEO 8

SECRETARIES

See EMPLOYEES OF LAWYERS

SERVICE OF PROCESS

Evade, advising a client to 98 FEO 2

SETTLEMENTS

Advising multiple clients about 03 FEO 12
Client's exclusive authority to settle RPC 145
Conditions imposed upon

- agreement not to report to law enforcement authorities 08 FEO 15
- agreement not to report sexual misconduct of mental health professional to licensing authorities RPC 159
- agreement not to reveal confidential information 03 FEO 9
- conditional delivery of settlement proceeds, lawyer's duty upon receipt of proceeds RPC 127
- employment agreement with lawyer, lawyer's approval of client's settlement RPC 145
- restriction on lawyer's representation of similarly situated claimants against opposing party RPC 179
- settlement with lawyer prohibiting disclosure of lawyer's misconduct RPC 84

Conflicts of interest

- minor plaintiff, court approval of settlement, compensation of minor's lawyer paid by carrier RPC 167

Contingent fee, structured settlement RPC 141
Creditors of client, see CREDITORS OF CLIENT
Decision-making authority of client, disbursement of settlement proceeds RPC 125
Disbursing proceeds

- as directed by client RPC 69
- upon deposit of funds provisionally credited to trust account 01 FEO 3
- see also, CREDITORS OF CLIENT

Disclosure of client's death during negotiations RPC 182
Financing company, referring client to 06 FEO 2
Lien, withholding settlement proceeds to pay RPC 69, RPC 125
Lump sum settlement, representation of parent and child RPC 109
Medical providers' liens, payment of RPC 69, RPC 125
Misconduct, duty to report

- agreement not to report sexual misconduct of mental health professional to licensing authorities RPC 159
- check disbursement in violation of agreement RPC 127

Negotiation of, communication with adverse party, see COMMUNICATIONS WITH ADVERSE PARTIES
Plea agreement, cooperation on in conjunction with RPC 225

Representation of clients with similar claims after participation in a confidential settlement agreement for another client 03 FEO 9
Sealing settlement agreement involving municipality, cooperation of plaintiff's attorney RPC 179
Structured settlement, contingent fee RPC 141
Threats involving the criminal justice system 98 FEO 19

SOLICITATION

See ADVERTISING AND SOLICITATION

SPECIALIZATION

Advertising specialty RPC 43
Designation of RPC 43

SUBPOENAS

For production of documents without hearing, deposition or trial 08 FEO 4
Misuse of subpoena process RPC 236, 99 FEO 2
Obtaining medical records 99 FEO 2

TEMPORARY LAWYERS

Contracting with lawyers from independent placement service RPC 38
Leasing lawyers from nonlawyer company RPC 104
Outsourcing legal support services 07 FEO 12

TERMINATION OF REPRESENTATION

See WITHDRAWAL FROM REPRESENTATION

TRADE NAME

See ADVERTISING AND SOLICITATION
Departed firm owner's surname used in firm name 06 FEO 20
Implying affiliation with financial planning company 04 FEO 9
Misleading URL 05 FEO 14
URL for firm website is trade name 05 FEO 8

TRIAL CONDUCT AND PRACTICE

Attribution when using written work of another 08 FEO 14
Calendar call,

- paralegal appearing for lawyer at 00 FEO 10
- responsibility to opposing lawyer who fails to appear RPC 208

Default, notifying opposing lawyer prior to obtaining an entry of RPC 212
Filing suit after the statute of limitations has run 03 FEO 13
Frivolous claim, resisting incompetency petition as 98 FEO 16
Illegal tape recording, use of RPC 192
Insufficient evidence, duty to dismiss DWI charge 09 FEO 15
Judge who is client, appearance before 97 FEO 1
Judge who is family member, appearance before 05 FEO 1
Misrepresentation of prior record level in sentencing proceeding 03 FEO 5
Notice of appeal in court-appointed juvenile case, filing to preserve client's rights although lawyer does not believe appeal has merit 08 FEO 17
Obtaining medical records 99 FEO 2
Offensive tactics, avoiding at calendar call RPC 208
Pro se litigant, see PRO SE REPRESENTATION
Publicity in civil trial 98 FEO 4
Representation of absent respondent in dependency proceeding 03 FEO 16
Statute of limitations, filing suit after elapsed 03 FEO 13
Subpoena

- for production of documents without hearing, deposition or trial 08 FEO 4
- process, misuse of RPC 236, 99 FEO 2

Threats involving criminal justice system 98 FEO 19

TRUST ACCOUNTS

See also CLIENT FUNDS AND PROPERTY, ESCROW ACCOUNTS

Abandoned funds RPC 89, RPC 149, RPC 226
-dormancy fee on 06 FEO 15
Advance payments deposited in trust account
-fees RPC 50, RPC 158, 05 FEO 13
-litigation costs RPC 51
-recording costs RPC 47
Audit of real estate trust account by title insurer 08 FEO 13
Bank, selection of and Y2K considerations 98 FEO 15
Business account, linking for purpose of determining interest or service charges RPC 150
Cashing check for client RPC 4
Chargebacks from credit card payments, protection against 97 FEO 9
Client's funds for costs, depositing in RPC 47, RPC 51
Commingling
-by bank for interest accrual or service charge assessment RPC 150
-credit card account that avoids 09 FEO 4
Conditional delivery of trust account checks before depositing loan proceeds RPC 78
Costs, deposited in RPC 158
Costs of closings, establishing interim account for 05 FEO 11
Credit card, accepting fees paid by RPC 247, 97 FEO 9, 09 FEO 4
Digital records for 01 FEO 14
Disbursement in reliance on bank's funding schedule 06 FEO 8
Disputed fees, transfer from trust account to lawyer upon certain conditions 06 FEO 16
Division of fee with former firm 03 FEO 11
Dormancy fee on unclaimed funds 06 FEO 15
Escheat of abandoned funds RPC 89, RPC 149
Lien on funds deposited in, see CREDITORS OF CLIENT
Nonrefundable retainer fees RPC 50
Out-of-state trust accounts RPC 96
Provisional credit
-disbursement against RPC 86, RPC 191, 01 FEO 3
-disbursement in reliance on bank's funding schedule 06 FEO 8
Purchasing money order for client RPC 4
Real estate closing, disbursement against provisional credit RPC 191
Records
-documenting the handling of trust funds RPC 86
-retaining CD-ROM with digital images of trust account checks 01 FEO 14
Selecting a bank, Y2K considerations 98 FEO 15
Settlement funds, disbursement without consent of client prohibited RPC 75
Title insurer, audit of real estate trust account by 08 FEO 13

TRUSTEE ON DEED OF TRUST

See also FORECLOSURES
Foreclosure, lawyer as trustee, see FORECLOSURES
Representation in purchase of foreclosed property 06 FEO 3

UNAUTHORIZED PRACTICE OF LAW

Disbarred lawyer, employment in law office 98 FEO 7
Duty to report lawyer assisting title company engaged in 09 FEO 2
Insurance company, representation of insured and others by lawyer who is employee of, guidelines RPC 151
Nonlawyer's role in real estate closing Authorized Practice Advisory 2002-1
Outsourcing legal support services 07 FEO 12
Paralegal
- appearing at calendar call for lawyer 00 FEO 10
- closing residential real estate transaction for lawyer 99 FEO 13, 01 FEO 4, 01 FEO 8, 02 FEO 9
-signing lawyer's name to pleadings 06 FEO 13
Quasi-judicial proceeding
-representation by nonlawyer at, Authorized Practice Advisory 2006-1
-duties of lawyer relative to representation by nonlawyer at 07 FEO 3

Real estate closing, participation in when title prepared by another 98 FEO 8, 09 FEO 2
Seminars on law for members of public conducted by nonlawyer 08 FEO 6
Unemployment hearing, supervision of nonlawyer at 09 FEO 10

UNBUNDLED LEGAL SERVICES

Virtual law practice and 05 FEO 10

UNDERINSURED MOTORIST

See INSURANCE REPRESENTATION

UNINSURED MOTORIST

See INSURANCE REPRESENTATION

WAIVERS

See CONFIDENTIALITY, CONFLICTS OF INTEREST.

WEB PAGE

See ADVERTISING AND SOLICITATION

WITHDRAWAL FROM REPRESENTATION

Client's disappearance, withdrawal upon RPC 223, 03 FEO 16
Charging client for motion to withdraw 07 FEO 8
Files, return upon, see FILES OF CLIENT, TERMINATION OF REPRESENTATION
Frivolous claim, upon GAL insisting on filing 06 FEO 9
Lawyer's duties when client revokes consent to conflict 07 FEO 11
Uninsured motorist represented by lawyer retained by insurance carrier RPC 8

WITNESSES

See COMMUNICATIONS WITH WITNESSES

WITNESS, LAWYER AS

Employee of lawyer as witness, see EMPLOYEES OF LAWYERS
Estate matters RPC 142
Opposing party, witness for RPC 207
Withdrawal, in criminal case RPC 221

WORKERS' COMPENSATION

Alias of client, disclosure of 08 FEO 1
Communications with adverse party RPC 67
Communication with represented claimant through private investigator 03 FEO 4
Communication with treating physician RPC 224
Division of fee with former firm 03 FEO 11
In-house legal counsel for carrier, representation of carrier and insured RPC 151
Multiple representation of claims for death benefits 01 FEO 6