

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-325
Issued: September 1987

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.

Question: May a lawyer provide a “second opinion” to a person who is already represented by counsel?

Answer: Yes.

References: Philadelphia Op. 80-8.

OPINION

As a point of professional courtesy, a lawyer should avoid interfering in an on-going attorney-client relationship. Nevertheless, an attorney may consult with a client who has already secured the advice of one lawyer, and wants to obtain a “second opinion”.

In the course of providing such services, the consulting lawyer should make every effort not to impair the first relationship, and may not use the consultation as a means of soliciting the client. In addition, the best interests of the client are usually served by the second lawyer obtaining the consent of the client to consult with the first so that all significant facts can be taken into account.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.