

Committee Opinion
October 16, 1981

LEGAL ETHICS OPINION 431

ASSOCIATE OF LAW FIRM –
CLIENT'S FILES.

It is not improper for a former associate of a law firm to represent clients of his former firm, provided they agree. Both the former associate and his former firm may properly have access to client files maintained by the former firm, provided that the former associate's access is limited to clients who will continue to be represented by him. The question of who gets the original file and who gets a copy is not an ethical one. The client has a paramount right to the information in the files, but certainly the lawyer who maintains them has a property right in the physical files themselves, except to the extent that the client's own papers are included therein. Anything the client has entrusted to the lawyer should be returned in original form, but other material may be copied, and the client billed for reasonable costs thereof. [See II: DR:4-101(B) and (E), EC:4-6 and DR:2-108(D).]

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Legal Ethics Committee Notes. – Rule 1.16(e) governs a lawyer's duty to provide files to a former client.

Editor's Note. – Overruled by L E Op. No. 1132.