

**ETHICS OPINION NUMBER 177
OF THE MISSISSIPPI BAR
RENDERED DECEMBER 7, 1990**

A Lawyer may engage in the business of providing legal research and legal writing for other lawyers who do not practice in his firm. A lawyer using such services must disclose the arrangement to the client, and obtain the consent of the client, unless the identity of the client, and facts which could reasonably lead to the identity of the client, are withheld from the researcher.

The Ethics Committee of the Mississippi State Bar has been asked to render an opinion on the following facts:

An attorney is considering providing legal research and writing for other attorneys who are not members of, or associated with, his firm.

The attorney wishes to know whether attorneys who use his services as a researcher or writer have an ethical obligation to disclose the arrangements to the client.

If a lawyer chooses to provide legal research and writing to other lawyers who are not members or associates of his firm, he may ethically do so, provided he does not, on a particular matter, violate the provisions of Rule 1.7 related to conflicts of interest. The lawyer should make certain that he is not providing services to a lawyer for the use and benefit of a client with whom he has a conflict of interest. Unless the relationship with the lawyer was disclosed to the client, the lawyer engaging the services of the researcher would be unaware of conflicts which might exist between his client and the researcher.

Rule 1.6 requires that a lawyer "shall not reveal information relating to representation of a client unless the client consents after consultation. . ." The comment to Rule 1.6 indicates that it is permissible for an attorney to disclose information related to a client to other attorneys in the firm without the consent of the client, unless the client has instructed otherwise. Additionally, a lawyer is obligated by Rule 1.5 to disclose the participation of all the lawyers involved in his or other case, where the fees are to be divided. It is assumed that the researching lawyer will be paid by either a division of fees, or an expense passed on to the client. In either case, the lawyer is required by Rule 1.4 to keep his client "reasonably informed about the status of a matter. . .," and to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."

Thus, where a lawyer engages the services of another lawyer for purposes of researching issues, and writing legal memoranda, the engagement must be disclosed to the client, unless the identity of the client cannot reasonably be learned by the researcher. But if the requesting attorney intends to substitute the proposed judgment of the researcher as his opinion or unless the attorney intends to give the researcher the client's identity or facts which would disclose identity, then, disclosure of the agreement and consent of the client must be obtained.