

**ETHICS OPINION NUMBER 184  
OF THE MISSISSIPPI BAR  
RENDERED MARCH 9, 1991**

**SAFEKEEPING PROPERTY:** An attorney is only required by Rule 1.15 of the Mississippi Rules of Professional Conduct to give funds to a third party who clearly is legally entitled to the funds.

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

An attorney acquires funds belonging to a client in the course of a settlement. The attorney is aware of unpaid expenses that arose in connection with the same matter. There is no legal obligation pursuant to the settlement agreement or otherwise to pay these expenses out of the settlement proceeds.

Rule 1.15 requires an attorney to notify a client or third party if the attorney receives funds in which such person has an interest and to deliver funds to such person upon request. In this instance, there appears to be no legal claim by the third party to the settlement proceeds through statute, assignment or other legal obligation. Therefore, Rule 1.15 does not require any notification or payment of funds to the third party