

ARKANSAS SUPREME COURT
Office of Ethics Counsel
Justice Building – Room 0100
625 Marshall Street
Little Rock, AR 72201
Tel. 501-683-4014 | ethicscounsel@arcourts.gov

REQUEST FOR ETHICS INFORMAL ADVISORY OPINION

Notice of confidentiality and inquiry restrictions: your submitted inquiry or request for an Ethics Informal Advisory Opinion (IAO) will be considered subject to the understanding that you have read and agree to the statements in this Notice. All communications between ethics counsel and any lawyer requesting informal information, guidance, advice or opinion are confidential. Ethics Counsel shall not disclose the content of any discussion or advice (1) without the express written consent of the lawyer to whom ethics counsel provided such advice or opinion, or (2) if a court orders disclosure, or (3) if the inquiring lawyer discloses that he or she relied on advice from ethics counsel in response to a disciplinary matter or Complaint. The Ethics Helpline will keep a confidential log of calls taken, including date, caller name, telephone number, bar number, summary of caller’s question, and summary of information or advice provided.

The primary purpose of ethic counsel and IAOs is to provide guidance to Arkansas lawyers in interpreting the Arkansas Rules of Professional Conduct (ARPC) and assisting them in making decisions that are in compliance with these Rules. Ethics counsel provides guidance to an inquiring lawyer only regarding his or her own future conduct as a lawyer. Ethics counsel will NOT render an informal opinion as to whether (a) another lawyer has a conflict of interest; (b) another lawyer’s conduct constitutes ethical misconduct; or (c) the requesting lawyer has a duty to report alleged ethical misconduct of another lawyer or a judge pursuant to ARPC 8.3. Requesting lawyers should note that ethics counsel is exempted from the reporting requirements of ARPC 8.3 unless the requesting lawyer is engaged in criminal behavior, or the threat thereof, as set out in ARPC 1.6(b)(1). Also note that the per curiam of September 30, 2021, at 2021 Ark. 169, creating the Office of Ethics Counsel provides that the “informal advice of ethics counsel shall not be used, introduced, admitted, argued, or cited in any litigation or before any judicial or administrative tribunal for the purpose of seeking disqualification of a lawyer or law firm.”

Ethics counsel will not decide questions of law or make any factual determinations. An IAO will not be issued if a prior AR IAO is dispositive of the inquiry. Ethics counsel may decline to issue an opinion if the question raised is the subject of current collateral litigation or a pending attorney discipline matter or complaint, either of which the inquiring lawyer shall disclose in this request for an IAO.

Before submitting a request for an opinion, the inquiring lawyer is expected to have done basic research on the issue, such as reading the Arkansas Rules of Professional Conduct, subject-matter legal research, and reading available Arkansas disciplinary opinions and cases.

If a request contains a complex question or issue, is an ethics question of first impression, or requires significant research, the response may take longer to formulate. The request should be

concise but also contain all facts upon which the opinion will be based. Additional or different facts could change the conclusion reached in any opinion. The facts you submit will be taken as accurate and relied upon by ethics counsel.

If ethics counsel determines that the opinion or advice given to you, especially in a written informal opinion, is useful to other lawyers, a redacted summary of your issue and the advice given may be published on the Court's website and other places. Such a summary will remove all information that could identify you, an actual fact situation or case, and any parties.

Please provide all the following information for use by Ethics Counsel.

1. Name _____ AR Bar No. _____
2. Address _____
_____ ZIP _____
3. Tel _____ Cell _____
4. Email _____
5. State the general nature of your inquiry (e.g., advertising, conflict, confidentiality, client file, competence, fees, trust account, etc):

6. State in detail all operative facts, in hypothetical form, upon which your request is based, with no identifying information as to persons or entities involved. Additional narrative and exhibits should be attached if necessary or helpful to ethics counsel in preparation of the requested ethics advice or opinion.

7. State specific issues(s) / question(s) regarding ethical conduct by a lawyer you wish addressed by ethics counsel, including reference to specific ARPC and the Comments.

8. If your request involves ethical questions about lawyer advertising or solicitation rules, please attach copies of the advertising or solicitation materials. ___ Attached ___ None

9. Do you believe the proposed lawyer conduct would violate any of the APRC? Why or Why not?

10. I have reviewed and researched the APRC, available prior AR disciplinary orders and opinions, and appropriate case law and believe the following to be relevant:

11. Indicate by checking below if this inquiry concerns any matter currently in:

- Litigation
- Civil / Criminal
- Attorney disciplinary proceeding

By signing below, I certify on my oath as an Arkansas-licensed attorney at law to the accuracy of all information provided here.

Signature

Date