

Committee Opinion
March 1, 1984

LEGAL ETHICS OPINION 543

DUTY TO DISCLOSE PERPETRATION
OF A FRAUD UPON A TRIBUNAL –
GROUNDS OF DIVORCE.

It is improper for an attorney to participate in a divorce action as counsel of record or otherwise where the opposite party has alleged a twelve-month separation and the attorney's client has denied the truthfulness of the allegation, unless the attorney raises the matter of the misrepresentation by the opposing party through pleadings or other disclosure.

Even if the attorney does not enter the representation of the client, he has a duty to reveal to the court the perpetration of a fraud upon the tribunal. If the information concerning the fraud was given to the attorney in confidence, the attorney must receive prior consent before making the disclosure. [See DR:7-102, 7-102(B)(1)]

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