

Committee Opinion
October 21, 1985

LEGAL ETHICS OPINION 730

PERPETRATION OF FRAUD –
CONFIDENTIALITY.

Based upon the representations of the client, an attorney persuaded the attorney for his client's creditor to vacate a judgment on the grounds of improper service of process on the client and the existence of a substantial defense. Subsequently, the attorney learned that the service was proper and that there was no substantial defense. The client has not responded to the attorney's efforts to contact him and the matter is set for retrial.

If the client's representations were made to the court, the attorney must disclose the falsity of such representations to the court. The attorney may disclose to adverse counsel the falsity of such representations. [DR:4-101(C)(3), DR:4-101(D)(2)]

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