

Committee Opinion  
November 1, 1985

LEGAL ETHICS OPINION 734

ESCROW/TRUST ACCOUNT – FUNDS  
OF CLIENT – ASSIGNMENT –  
PAYMENT OF ATTORNEY’S FEES.

Although the Standing Committee on Legal Ethics does not undertake to render advice in regard to the legality of the endorsement of the check, absent a power of attorney but pursuant to an irrevocable assignment, an attorney may endorse as a client's attorney-at-law or as a client's assignee a check made payable to the client and apply the proceeds of the check to legal fees owed by the client to the attorney. However, the attorney must also satisfy the requirements of DR:9-102(B)(1) and (B)(3) by sending to the client's last known address a notice and an accounting of the receipt of the check and the accounting must include the intended application of the proceeds to the client's financial obligation to the attorney. Thereafter, when the attorney is satisfied that the notice is not deliverable, the attorney may transfer the assigned funds to the attorney to the extent that the attorney is entitled to those funds by such assignment. [ DR:9-102(B)(1) and (3)]

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