



## **CHRONOLOGICAL INDEX**

### **ADOPTED ETHICS OPINIONS**

#### Opinion Number

- 68-1 . . .Propriety Of Law Office Sharing Office Space With Non-Lawyer.  
(Adopted 12/14/68)
- 69-4 . . .Propriety Of Lawyers Owning Or Occupying Space In "Anchorage Legal Center." (Adopted 09/69) (Modified By 89-2)
- 71-1 . . .Propriety Of Communication With An Employee Of A Governmental Entity By A Lawyer Engaged In Litigation Against That Governmental Entity. (Adopted 4/14/71) (See 84-11)
- 71-3 . . .Propriety Of Firm Names Including Lawyers Not Admitted In Alaska.  
(Adopted 5/26/71)
- 72-2 . . .Communication Upon Subject In Controversy With Opposing Party When Representation By Counsel In Question.  
(Adopted 1/30/72)
- 73-1 . . .Use Of Legal Assistants. (Adopted 10/6/73)
- 74-1 . . .Propriety Of Agreements Between Plaintiff And One Of Two Co-Defendants Which Changes Alignment Of One Or More Parties.  
(Adopted 5/15/74)
- 74-2 . . .Propriety Of "Referral Fees." (Adopted 5/15/74)
- 74-3 . . .Propriety Of A Contingent Fee Contract When Client Can Afford To Pay For Services At An Hourly Rate. (Adopted 10/11/74)  
(See 76-5)
- 76-1 . . .Propriety Of An Attorney Who Is A Member Of A Legislative Body Or Members Of His Firm Practicing Or Representing Clients Before That Legislative Body. (Adopted 7/30/76)
- 76-3 . . .Propriety Of An Attorney In The Public Practice Of Law Continuing To Represent Two Defendants In A Criminal Appeal In Which There Is A Substantial Potential Conflict Of Interest Between The Two Defendants. (Adopted 6/1/76)

- 76-5 . . .Attorney Obligated To Explain Different Types Of Fee Arrangements To Clients Although Attorney May Only Take Cases Under One Or More Of The Arrangements. (Adopted 10/15/76)
- 76-8 . . .Propriety Of An Attorney In Private Practice Representing Clients Whose Cases Were Pending Before A Judge While He Was The Judge's Law Clerk. (Adopted 10/15/76, Amended 3/31/79)
- 76-9 . . .Unethical For Attorney To Instigate Or Participate In The Employment Of An Investigator On A Contingent Fee. (Adopted 10/15/76)
- 78-3 . . .Is There A Conflict Of Interest If A Law Firm Represents A Defendant In An Action Filed On Behalf Of A Plaintiff By An Attorney Who, Before Trial, Joined The Defendant's Law Firm? (Adopted 12/2/78) (See 83-5)
- 78-5 . . .Whether It Is Ethical For An Employee Of Alaska Legal Services To Refer Ineligible Clients And Fee-Generating Cases To Individual Lawyers Within The Community Rather Than To The Statewide Lawyer Referral Office In Anchorage. (Adopted 3/31/79)
- 79-1 . . .Whether It Is Proper For An Attorney To Charge Interest On Unpaid Portions Of A Billing. (Adopted 5/19/79)
- 79-2 . . .Is It Proper For An Attorney Or An Attorney's Agent To Go To The Trash Receptacle Used By Opposing Counsel And Remove Materials That Were Discarded In The Normal Cause Of Operation? (Adopted 9/9/79)
- 79-3 . . .Can A Law Firm Ethically Employ An Accountant To Perform Services For The Firm And For Its Clients? (Adopted 10/26/79)
- 79-4 . . .Whether It Is Proper For The ALSC Board Of Directors To Review Client Eligibility Determinations And Whether A Conflict Of Interest Exists Where A Board Member And His Firm Represents An Opponent Of An ALSC Client. (Adopted 5/1/80)
- 80-1 . . .Propriety Of Attorney Remitting To His Client Monies The Attorney Received On The Client's Behalf When The Attorney Either Knew Or Should Have Known That There Were Liens On That Money; (*Vacated In Part By 86-4*) Propriety Of An Attorney Filing A Proper Offer Of Judgment When That Attorney Is Aware That There Are Not Funds Available To Pay The Judgment, If Accepted. (Adopted 9/8/80)
- 81-1 . . .Propriety Of An In-Person Offer To Handle A Specific Legal Problem On A Pro Bono Basis. (Adopted 6/3/81)
- 82-2 . . .Propriety Of An Assistant District Attorney Retaining Position When The Spouse Is A Judge. (Adopted 2/5/82)

- 83-2 . . .May An Attorney Hold A Client's Papers Pursuant To The Attorney Lien Statute When The Papers Would Be Helpful To The Client In Pending Litigation? (Adopted 6/8/83)
- 83-4 . . .Propriety Of A Government Attorney Entering Private Practice With A Firm Handling Litigation Against The Attorney's Former Agency. (Adopted 6/8/83) (See 75-2)
- 83-5 . . .Whether A Law Firm Representing A Defendant Is Disqualified From Further Representation Because It Hired An Associate Formerly Employed By The Law Firm Representing The Plaintiff. (Adopted 8/27/83)
- 84-1 . . . Propriety Of Advice To A Defendant To Refuse To Submit To A Breathalyzer Test. (Adopted 1/13/84)
- 84-2 . . .Whether An Attorney For A Partnership Can Subsequently Represent One Of The Partners Against Another Partner In A Partnership Dispute. (Adopted 1/13/84)
- 84-3 . . .Advice To Potential Witnesses In A Criminal Case. (Adopted 3/9/84)
- 84-4 . . .Propriety Of Attorney Drafting A "Surrogate Mother" Contract. (Adopted 6/5/84)
- 84-9 . . .Providing Opposing Parties With Copies Of Draft Documents; Record And File Retention Requirements. (Adopted 8/25/84)
- 84-10. . .Consent To Withdraw Executed When Representation Undertaken. (Adopted 11/9/84)
- 84-11. . .Communication By Attorney With Government Employee Regarding Subject Matter Of Litigation Without Consent Of The Government's Attorney. (Adopted 11/9/84)
- 85-1 . . .Applicability Of Canon 7 Of Code Of Judicial Conduct To Candidates For Judicial Appointment. (Adopted 8/23/85)
- 85-2 . . .Ex Parte Communication With Experts Retained By Opposing Counsel. (Adopted 8/23/85)
- 85-3 . . .Propriety Of Firm Continuing As Trial Counsel When It Is Necessary To Call A Former Associate As A Witness. (Adopted 8/23/85)
- 85-4 . . .Guardian Ad Litem Confidentiality. (Adopted 11/8/85)
- 85-5 . . .Payment Of Attorney Fees By Credit Card; Interest On Overdue Accounts. (Adopted 8/23/85)(Modified by 2023-2)

- 85-6 . . .Disclosure Of Client Names By Public Officials Pursuant To Campaign Disclosure Or Conflict Of Interest Statutes.  
(Adopted 11/8/85)
- 86-1 . . .Propriety Of Law Firm Charging Client For Intra-Office Conference.  
(Adopted 1/10/86)
- 86-2 . . .Service Of An Attorney Or Firm On A Creditor's Committee Formed Under A Petition In Bankruptcy Filed By A Former Client.  
(Adopted 3/21/86)
- 86-3 . . .Referral Of Client Identity To Credit Bureau.  
*(Reaffirmed by 2000-3)* (Adopted 9/5/86)
- 86-4 . . .Attorney's Duty When Dispute Arises Concerning The Rights Of Third Parties To Client Funds In The Possession Of Attorney, And *Vacating Opinion No. 80-1 In Part.* (Adopted 11/7/86)
- 86-5 . . .Withdrawal Of An Attorney When The Attorney Is A Potential Witness In The Case He Is Handling. (Adopted 11/7/86)
- 87-1 . . .Appropriate Use Of Non-Refundable Fee Deposits For Retainers And Necessary Disclosure To Client. (Adopted 9/3/87)
- 87-2 . . .Conflict Of Interest Relating To Representation Of Person Under Disability. (Adopted 9/3/87)
- 88-1 . . .Potential Impropriety Of Sexual Relationship With A Client During The Time The Attorney Represents A Client. (Adopted 1/9/88)  
(Clarified By 92-6)
- 88-2 . . .May An Attorney Participate In Consummating A Real Property Conveyance Transaction Where The Client Is Attempting To Avoid Obtaining Consent Required Under A "Due On Sale Clause" From The Original Creditor?  
*(See Also 96-2)* (Adopted 3/12/88)
- 88-3 . . .Communication With Former Employees Of Corporations Represented By Counsel (Adopted 6/7/88) (See Also 91-1)
- 88-4 . . .Instructions To Court Reporters Regarding Transcriptions  
(Adopted 9/9/88)
- 88-5 . . .Letter Regarding Judge Standing For Retention Election  
(Adopted 10/22/88)
- 88-6 . . .Contingent Fee Or Lien On Real Property In Quiet Title Litigation  
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- 89-1 . . .Ethical Propriety Of Concurrent Representation Of Potentially Adverse Clients (Adopted 1/20/89)

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- 89-2 . . .(withdrawing 68-2 [unadopted], 69-1, 69-2, 69-3, 71-2, 72-1, 75-1, 75-2, 76-2, 76-4, 76-6 [unadopted], 76-7, 78-2, 82-1 [unadopted], 82-3 [unadopted] and 84-6; modifying 69-4)
- 89-3 . . .Ethical Obligations Of The Attorney Hired By An Insurance Company To Defend Its Insured To The Insured When Insured Objects To The Attorney (Adopted 10/27/89)
- 90-1 . . .Attorney Representing Dissenting Shareholders/Directors Communicating With Board Of Directors Without Consent Of Corporation's Attorney (Adopted 1/19/90)
- 90-2 . . .Ethical Obligations Of The Attorney Hired By An Insurance Company To Defend Its Insured To The Insured When Company Directs An Offer Of Judgment (Adopted 1/19/90)
- 90-3 . . .Disposition Of Funds Held By A Lawyer For A Client Who Cannot Be Located (Adopted 9/7/90)
- 91-1 . . .Communication With Former Employees Of Corporation Represented By Counsel (Reconsideration Of 88-3) (Adopted 1/18/91)
- 91-2 . . .Responsibilities Of Attorney Representing Personal Representative Of Estate When A Conflict Exists Between The Personal Representative And The Heirs Of The Estate (Adopted 1/18/91) (modified by 2003-2)
- 91-3 . . .Propriety Of Representing Both Parents And Child When Interests Differ (Adopted 6/5/91)
- 91-5 . . .Ethical Obligation Of An Attorney To Withdraw After Undertaking Dual Representation Of Estates With Factually Conflicting Positions In Existing Litigation (Adopted 10/25/91)
- 92-1 . . .Failure To Disclose Representation By Class Counsel (Adopted 01/17/92)
- 92-3 . . .Clarification Of Ethics Opinion 86-4 Regarding Attorney's Duty When Dispute Arises Concerning The Rights Of Third Parties To Client Funds In The Possession Of Attorney (Adopted 06/01/92)
- 92-4 . . .Acceptance Of Subrogation Case On A Contingent Fee Basis Where Client Is Able To Pay On An Hourly Basis (Adopted 06/01/92)
- 92-5 . . .Solicitation Of Clients (Adopted 06/01/92)
- 92-6 . . .Propriety Of An Intimate Relationship Between An Attorney And A Client Of The Attorney's Law Firm (Adopted 10/30/92)

- 93-1 . . .Preparation Of A Client's Legal Pleadings In A Civil Action Without Filing An Entry Of Appearance (Adopted 3/19/93)
- 93-2 . . .Ethical Restraints On The Compensation Of Witnesses (Adopted 9/11/93)
- 93-3 . . .Disclosing Information On IRS Form 8300 (Adopted 10/23/93)
- 94-1 . . .Attorney Communication With The Managing Board Of A Government Agency, Regarding Pending Litigation, Without The Consent Of Counsel Representing The Agency (Adopted 1/7/94)
- 94-2 . . .Simultaneous Use Of More Than One Name For Law Firm (Adopted 5/3/94)
- 94-3 . . .Representation Of Client Under Disability (Adopted 10/27/94)
- 95-1 . . .Propriety Of Shop Talk And Courtesy Copies Under ARPC 1.6 (Adopted 1/13/95)
- 95-2 . . .Government Employee Entering The Private Practice Of Law With A Firm Handling Litigation Against The Attorney's Former Agency (Adopted 1/13/95)
- 95-3 . . .Obligation Of Appointed Defense Counsel To Reveal Change In Client's Financial Position Affecting Eligibility (Adopted 3/17/95)
- 95-4 . . .Standards Governing Charges To Clients For Disbursements And Other Expenses (Adopted 3/17/95)
- 95-6 . . .Attorney's Right To Withhold A Client's File Unless The Client Pays For Copying Files (Adopted 10/20/95)
- 95-7 . . .Communication With A Represented Party By An Attorney Acting Pro Se (Adopted 10/20/95)
- 96-1 . . .Ethical Considerations When Billing Clients For Contract Attorney Legal Services (Adopted January 13, 1996)
- 96-2 . . .Ethical Obligation Of An Attorney Representing A Seller To Third Persons Purchasing Property Encumbered By A Deed Of Trust Which Contains A "Due On Sale" Clause (See Also 88-2) (Adopted January 13, 1996)
- 96-3 . . .Disclosure Of Client Files (Pursuant To Subpoena) (Adopted March 22, 1996)
- 96-4 . . .Billing Practices - Propriety Of Billing More Than One Client For The Same Hours (Adopted May 13, 1996)
- 96-5 . . .Ethical Issues, If Any, Raised By The Use Of An "Attorney's

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Of Release Agreements (Adopted August 22, 1996)

- 96-6 . . .Ethical Considerations When Acting As An Arbitrator In One Proceeding  
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- 97-1 . . .Notification Of Opponent Of Receipt Of Confidential Materials  
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- 97-2 . . .Use Of Threats Of Criminal Prosecution In Connection With A Civil Matter  
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- 98-1 . . .Contact With Defendant’s Insurer  
(Adopted January 16, 1998) (*vacating 78-4*)
- 98-2 . . .Communication By Electronic Mail (Adopted January 16, 1998)
- 98-3 . . .Obligation of Lawyer To Honor Writ Of Execution  
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- 99-1 . . .Ethical Obligation of Attorney When Insurer Requests Attorney to Send  
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- 99-2 . . .May A Municipal Attorney Represent A Quasi-Judicial Municipal Board  
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- 99-3 . . .May In-House Staff Counsel For An Insurance Company Represent  
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- 2000-1 May An Attorney Representing Tribal Entities Represent Tort Claimants  
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(Adopted January 21, 2000)
- 2000-2 Effect Of Confidential Settlement Agreements On Precluding Further  
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(Adopted March 10, 2000)
- 2000-3 Reaffirmation Of Ethics Opinion 86-3, Referral Of Client Identity To Credit  
Bureau (Adopted August 18, 2000)
- 2001-1 Attorney’s Duties When Advised By Custodian That Criminal Defendant  
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(Adopted March 30, 2001)
- 2003-1 Undisclosed Recording Of A Conversation By Lawyer (Adopted January  
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- 2003-2 Responsibilities of the Attorney Representing the Personal Representative of an Estate When the Personal Representative Is Engaged in Fraudulent or Criminal Conduct (Adopted March 14, 2003)
- 2003-3 Documents to be Included in File Returned to Client on Termination of Services (Adopted May 6, 2003)
- 2004-1 Lawyer's Right to Withhold Expert Reports Where the Client Fails to pay for Them (Adopted January 15, 2004)
- 2004-2 May an Attorney Contingently Agree to Pay Attorney's Fees Assessed Against a Client If the Client Loses on Appeal? (Adopted April 27, 2004)
- 2004-3 Responsibilities of an Attorney When a Client Cannot be Contacted (Adopted September 13, 2004)
- 2005-1 Responsibilities of the Attorney Representing a Client Who, After Being Charged with a Felony Offense, Informs the Attorney of the Client's Intent to Commit Suicide if Convicted (Adopted May 10, 2005)
- 2005-2 Ethical Obligations When A Lawyer Changes Firms (Adopted September 8, 2005)
- 2006-1 Propriety of a Lawyer, Acting on the Lawyer's Own Behalf Regarding A Matter Not in Litigation, Communicating Directly with Management of A Corporation or Other Institution that the Lawyer Knows or Should Know Is Regularly Represented by Counsel (Adopted January 27, 2006)
- 2006-2 Responsibilities of A Lawyer to Honor Client's Instructions on Means of Representation in Criminal Cases (Adopted April 25, 2006)
- 2006-3 Disclosure of Confidential Insurance Defense Attorney Bills to Non-Insurer Contractors for Electronic or Computerized "Screening" (Adopted April 25, 2006)
- 2006-4 Use of Information Relating to Prior Judicial Service by Lawyers Who Campaign for Elected office (Adopted October 27, 2006)
- 2008-1 May Lawyers Maintain Electronic Copies of Business Records in Lieu of Paper Copies? (Adopted January 31, 2008)
- 2008-2 Where A Lawyer Represents An Insured Party Whose Claim Is Subrogated To A Third Party Insurer, Does The Insurer Become A "Client" Of The Insured's Lawyer Under Alaska's Rules Of Professional Conduct? (Adopted September 11, 2008)
- 2009-1 Misleading to Characterize a Fee or Retainer as "Nonrefundable."

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(Modification of Ethics Opinion 87-1) (Adopted May 5, 2009)

- 2009-2 Use of Membership in Lawyer Ranking System In Lawyer/Law Firm Advertising (Adopted May 5, 2009)
- 2010-1 Ability of Lawyer Not Admitted in Alaska to Maintain Alaska Office for Federal Immigration Practice (Adopted April 27, 2010)
- 2011-1 Must a Lawyer Provide the Original File to a Former Client on Request, Rather Than a Copy? (Adopted January 27, 2011)
- 2011-2 Propriety of Communication with an Employee of a Corporate or Government Entity by a Lawyer Engaged in Litigation Against That Entity (Adopted January 27, 2011)
- 2011-3 Ethical Considerations in Collaborative Law Practice (Adopted May 3, 2011)
- 2011-4 Duties of an Attorney in a Criminal Appeal When the Client Cannot Be Contacted (Adopted May 3, 2011)
- 2012-1 May a Lawyer Record an Attorney's Lien (AS 34.35.430) Against a Client's Real Property (Adopted 1/27/12)
- 2012-2 Deposit of Advanced Fee Retainers in Client Trust Account (Adopted April 30, 2012)
- 2012-3 Representation of Closely Held Organization and Its Majority Owners When Their Interests May Be Adverse to Those of Minority Owners (Adopted October 26, 2012)
- 2014-1 May Lawyers Charge Their Clients a Surcharge to Use Their Credit Cards to Pay for Legal Services? (Adopted May 5, 2014)
- 2014-2 Attorney's Duties When Informed That a Criminal Defendant Client Is in Violation of Bail Release Conditions (Adopted May 5, 2014)
- 2014-3 Cloud Computing and the Practice of Law (Adopted May 5, 2014)
- 2014-4 Lawyer's Indemnification of Opposing Parties (Adopted October 30, 2014)
- 2015-1 May a Lawyer Post Bail for a Client (Adopted May 12, 2015)
- 2015-2 Does a Lawyer Have an Obligation to Hold Client Documents or Property Delivered to the Lawyer Unsolicited (Adopted May 12, 2015)
- 2016-1 May a Lawyer Surreptitiously Track Emails and Other Documents Sent to Opposing counsel? (Adopted October 26, 2016)
- 2017-1 In the Workers' Compensation Setting, May a Lawyer for the Employer Present a Lump-Sum Settlement Offer, Inclusive of Legal Fees? (Adopted May 9, 2017)

- 2017-2 Attorney's Ability to Contact Government Official Who Is a Represented Party to Discuss Settlement or Other Policy Related to the Litigation (Adopted September 7, 2017)
- 2018-1 E-mail Correspondence with Opposing Counsel While Sending a Copy to the Client (Adopted January 18, 2018)
- 2018-2 Direct Communications with Represented Party When Specific Notice Is Required to be Served on the Party (Adopted October 9, 2018)
- 2019-1 Obtaining Confidential Information (Adopted January 31, 2019)
- 2019-2 A Lawyer's Duty Upon Receipt of Confidential Information – Inadvertent but Unauthorized Disclosure (Adopted January 31, 2019)
- 2019-3 A Lawyer's Duty Upon Receipt of Confidential Information – Intentional Disclosure (Adopted January 31, 2019)
- 2020-1 Representing a Non-Party Witness at a Deposition in a Matter Where the Lawyer Also Represents a Named Party (Adopted January 30, 2020)
- 2020-2 What Are Counsel's Ethical Duties Regarding Publicizing Client Recoveries? (Adopted October 26, 2020)
- 2021-1 Representation of Multiple Clients Charged in Criminal Cases (Adopted May 7, 2021)
- 2022-1 A Lawyer's Duty with Respect to Potentially Impaired Members of the Bar (Adopted May 5, 2022)
- 2022-2 The Scope of a Lawyer's Duties When a Client Provides False Statements or Evidence to the Court (Adopted October 28, 2022) (withdrawing 83-3)
- 2023-1 Ethical Duties Regarding the Retention of Former Clients' Files in Criminal Matters (Adopted February 3, 2023)
- 2023-2 Modification of Alaska Bar Association Ethics Opinion 85-5 (Preauthorized Credit Card Payments) (Adopted September 20, 2023)