

Committee Opinion  
October 18, 1988

LEGAL ETHICS OPINION 1157

FILES-TERMINATION OF  
REPRESENTATION: DELIVERING  
FILES TO THE CLIENT.

You have advised that you were retained by a Virginia corporation to perform certain tasks in the area of immigration law to help “legalize” some of their employees. You also provided the corporation with educational information concerning immigration law. Originally, the goals of the employer/corporation and the employees were the same, to legalize the employees. Now, however, you state that you have been forced to withdraw as counsel for both parties because a conflict of interest has developed between the two.

You wish to know which of these parties (i.e., employer or employee) is entitled to possession of the files which were created during the course of your representation of them.

Disciplinary Rule 9-102(B)(4) [DR:9-102] requires that a lawyer “promptly take or deliver to the client or another as requested by such person the funds, securities, or other properties in the possession of the lawyer which such person is entitled to receive.” Which particular documents in your files belong to the employer or the employee is a legal question and not an ethical question, and thus is beyond the province of this Committee. Disciplinary Rule 9-101(B)(4) [DR:9-101] merely requires that a lawyer when requested, return property in his possession to the person legally entitled to it.

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**Legal Ethics Committee Notes** – Rule 1.16(e) governs a lawyer’s duty to provide files to a former client.