

Committee Opinion
June 17, 1980
Committee Op Withdrawn
November 18, 2021

LEGAL ETHICS OPINION 374

POSSESSORY LIEN – ADVANCEMENT
OF COSTS.

It is not improper for a domestic relations attorney to retain the copy of the depositions for which he has advanced the costs, after discharge of the attorney by the client pending payment of the deposition's costs by the client if such retention does not prejudice the client and the client is not otherwise legally entitled to possession of the deposition. [See II:DR 2-108(D) and II:DR 9-102(B)(4).] Advancement of such costs is only proper if the client has agreed to reimburse the attorney regardless of the outcome of the litigation. [See II: DR:5-103(B).]

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Legal Ethics Committee Notes. – Rule 1.8(e)(2) allows a lawyer to pay litigation costs and expenses on behalf of an indigent client.