

In the Supreme Court of Georgia

Decided: December 11, 2017

S17U0553. IN RE FORMAL ADVISORY OPINION NO. 16-2.

PER CURIAM.

In January 2012, this Court approved Formal Advisory Opinion 10-2, which clarified the ethical responsibilities of an attorney serving as both legal counsel and guardian ad litem to a child in a case involving the termination of parental rights. FAO 10-2 interprets and discusses various provisions of the Georgia Rules of Professional Conduct, including Rule 1.14; however, that rule was amended around the same time that FAO 10-2 was approved, and the Formal Advisory Opinion Board determined that the amendment to Rule 1.14 substantively altered the analysis and conclusion of FAO 10-2.

On June 14, 2016, the Board issued Formal Advisory Opinion 16-2, which redrafts FAO 10-2 and interprets the amended Georgia Rules of Professional Conduct to address the same issue. FAO 16-2 was filed in this Court on November 10, 2016, see State Bar Rule 4-403 (d), and, on January 18, 2017, we granted the State Bar of Georgia's petition for discretionary review, see *id.*

After considering the record and the State Bar’s brief, we hereby approve Formal Advisory Opinion No. 16-2, which is attached to this opinion as an appendix.<sup>1</sup>

Formal Advisory Opinion 16-2 approved. All the Justices concur.

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<sup>1</sup> FAO 16-2 eliminates language concerning the specific areas of continued confidentiality following the attorney’s withdrawal. Instead, FAO 16-2 simply directs the attorney to “consider Rule 1.6 before disclosing any confidential client information.” The Court notes that in addition to the proposed FAO’s directive to consider Rule 1.6, the attorney should also consider all applicable law, including Rule 1.14(c).