

FORMAL OPINION NO. 13

Submitted to the Secretary of the State Bar Association, under date of February 5, 1959, and referred by the Secretary to this committee, the following question:

"Can an attorney ethically file an action on an account upon which he knows that the statute of limitations has run?"

This precise question has been considered by the American Bar Association Committee, and we hold with the decision of that committee, as follows:

"It is not unethical to bring a suit barred by the statute of limitations, which may be waived.
(Decision 272, Appendix A, p. 642, ABA Opinions, 1957).

DATED this 13th day of February 1959.