

Opinion 87
November 1953
18 Baylor L. Rev. 231 (1966)

**CANDOR AND FAIRNESS - TAKING ADVANTAGE OF OPPOSITE COUNSEL -
PROSECUTING ATTORNEY**

A prosecuting attorney may not have a defendant in a criminal case examined by doctors during the course of the trial without the knowledge or consent of defendant's attorney.

Canons 19, 22.

QUESTION

Would it be a violation of the Canons of Ethics for a prosecuting attorney to have a defendant in a criminal case examined by doctors during the course of the trial without the knowledge or consent of counsel for defendant?

OPINION

The members of the committee are unanimously of the opinion that such an examination of the defendant without the knowledge or consent of his counsel would violate Canons 19 and 22. (10-0) (See Opinion 137)