

# ***Client-Lawyer Relationship***

## **Rule 1.6 Confidentiality Of Information**

(a) A lawyer **shall not** reveal information **relating** to the representation of a client **unless** the client gives informed **consent**, the disclosure is **impliedly authorized** in order to carry out the representation or the disclosure is permitted by **paragraph (b)**.....

***b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:***

- (1) to prevent reasonably certain **death** or **substantial** bodily harm;
- (2) to **prevent** the client from committing **a crime or fraud** that is reasonably certain to result in **substantial** injury to the **financial interests** or property of another and in furtherance of which the client has used or is using the **lawyer's services**;
- (3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the **lawyer's services**;

***b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:***

- 4) to secure legal advice about the lawyer's compliance with these Rules;
- (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or
- (6) to comply with other law or a court order.

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## **Rule 1.18 Duties To Prospective Client**

- (a) A person who **discusses** with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a **prospective client**.
- (b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client **shall not use or reveal information learned in the consultation**, except as Rule 1.9 would permit with respect to information of a former client.

# Comment 4 to Rule 1.6

- [4] Paragraph (a) prohibits a lawyer from revealing **information** relating to the representation of a client. This prohibition also applies to disclosures by a lawyer that do not in themselves reveal protected information but could **reasonably lead to the discovery of such information by a third person**. A lawyer's use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.
- Change the names and places ...to protect the innocent!

