

ETHICS ADVISORY PANEL
OPINION #94-42 REQUEST #509
Issued June 22, 1994

The inquiring attorney states that the law firm at which he/she is employed has obtained a line of credit from a bank. The bank has requested that the law firm grant a security interest in the firm's accounts receivable and that the firm provide the bank with a list of the accounts receivable including the names of clients, addresses and amounts owed by them. The attorney seeks Panel advice under these circumstances in light of Rule 1.6 "confidentiality of Information."

Rule 1.6 states that:

(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraph (b).

(b) A lawyer may, but is not obligated to reveal such information to the extent the lawyer reasonably believes necessary:

(1) to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm; or

(2) 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.

Rule 1.6 forbids disclosure of "information relating to representation of a client unless the client consents . . ." Rule 1.6 does not distinguish between information which would be considered a confidence or a secret. The name, address and fee amount owed by a client to the inquiring attorney's law firm relates to the representation and is therefore confidential information. The Panel believes that the law firm cannot provide the requested list to the bank consistent with Rule 1.6.