

ETHICS ADVISORY PANEL
OPINION # 95-26, Request # 588
Issued May 4, 1995

The inquiring attorney learned from a newspaper advertisement that X was delinquent in child support payments. X had been referred to the inquiring attorney as a client by the lawyer referral service for a matter totally unrelated to a family court matter. The inquiring attorney had an initial conference with X. The inquiring attorney believes that no "formal attorney-client relationship" was established because the client did not pay the referral fee and work on the case would commence only upon payment. The inquiring attorney asks whether he/she is permitted to contact the state agency regarding the information concerning X.

Rule 1.6 of the Rules of Professional Conduct addresses the fundamental principle of confidentiality between the client and lawyer regarding information relating to the representation. The Rule states that "[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)." The confidentiality rule is subject to limited exceptions not applicable to these facts.

The inquiring attorney learned of the client's name, address and telephone number at the initial attorney-client conference. The fact that the client has not paid a fee does not negate the attorney-client relationship. Pursuant to Rule 1.6, the Panel opines that the inquiring attorney must maintain the client's confidences because the information arose from the representation of the client and the exceptions to the Rule do not apply.