

Final

ETHICS ADVISORY PANEL
OPINION 95-61, - REQUEST # 638
ISSUED - JANUARY 11, 1996

FACTS:

The inquiring attorney is presently engaged in discussions with a governmental agency regarding personal matters. The government agent requested a list of the inquiring attorney's accounts receivable both for the purpose of assessing the inquiring attorney's financial position and for the purpose of identifying property on which to place a lien if no settlement is reached.

ISSUE PRESENTED:

Can the inquiring attorney provide the government agency with an accounts receivable list including client names?

OPINION:

No, unless every client consents.

REASONING:

Rule 1.6 entitled "**Confidentiality of Information**" provides the following in pertinent part:

(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 he client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client.

The identity of a client is confidential information and is protected under Rule 1.6. The Rules state that a lawyer cannot reveal information relating to the representation of a client unless the client consents. In order for the inquiry attorney to comply with the agent's requests, the inquiring attorney must acquire the informed consent of every client.