

ETHICS ADVISORY PANEL
OPINION #94-6 REQUEST #458
Issued February 23, 1994

The inquiring attorney's law firm has a number of over due accounts receivable and is considering referring these accounts to an agency for collection. The inquiring attorney's law firm will furnish the agency with the name and address of the debtor and the amount due. The inquiring attorney asks whether the Rules of Professional Conduct impose any ethical restraints on the proposed conduct of the law firm.

Rule 1.6 entitled "Confidentiality of Information" provides as follows:

Rule 1.6. Confidentiality of Information. - (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:

(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.

Under these facts, the Panel concludes that the information regarding the debtors' identity and the amount due on the accounts may be revealed under subsection (b)(2) of Rule 1.6 in order to establish a claim on behalf of the law firm.