

## MINUTES

**COMMITTEE:** Ethics Committee

**DATE:** July 6, 2000

**8. CHAPTER 5: WHETHER LAWYER CAN DISCLOSE CONFIDENTIAL INFORMATION IN LAWSUIT WITH FORMER PARTNER**

Lawyer A represents a lawyer who is involved in a lawsuit with his former partner, also a lawyer. Lawyer A's client alleges that his former partner received benefits from clients for work done as a lawyer, but these benefits were received separately and should have been brought into the accounting of the partnership. In order to make his case most effectively Lawyer A's client would have to disclose information from former clients. Lawyer A has asked whether it is proper to do this.

The Committee noted that, generally speaking, lawyers are entitled to disclose confidential client information where it is necessary for the lawyer to do so to defend against an allegation of misconduct or to collect a fee, but may not disclose any more information than is necessary. It was the Committee's view, however, that neither the rules nor cases permit disclosure of information without client consent in the circumstances contemplated by lawyer A's client, and it would be improper for his client to disclose that information in these circumstances without the client's consent.

JO/jeh  
00-07