

## **ADMONITION NO. 20-15**

### **CLASSIFICATION:**

Improper Disclosure of Confidential Information [Mass. R. Prof. C. 1.6(a)]

### **SUMMARY:**

The respondent represented a client charged with a violent crime. While the case was pending, the client made certain statements to the respondent suggesting that he might intend to inflict serious bodily harm upon a certain public official connected with the case. The respondent considered reporting the potential threat to the police and the official pursuant to Mass. R. Prof. C. 1.6(b)(1). After speaking with the client and seeking guidance from bar counsel, the respondent determined that the potential threat posed by the client was not sufficiently serious or immediate to warrant reporting the matter to the police or the public official.

Several weeks later, the respondent was contacted by police concerning certain other, more recent threatening statements the client had made. Coupled with the statements previously made by the client to the respondent, this new information caused the respondent to reasonably conclude that the client did, in fact, present a sufficiently serious and immediate threat of harm to warrant sharing the previous communications with the police and the public official. Partly as a result of the respondent's disclosure, the client was criminally charged in connection with the threats. The respondent's disclosure of confidential information to the police was permissible under Mass. R. Prof. C. 1.6(b)(1) and therefore his conduct did not violate Mass. R. Prof. C. 1.6(a).

However, shortly after the above events had taken place, a newspaper reporter contacted the respondent concerning the matter. The respondent agreed to speak with the reporter and, in the course of the interview, revealed confidential information concerning the client's physical and mental health. The respondent also disclosed to the reporter certain specific statements the client had made to the respondent concerning the client's mental state and intentions. The reporter included the respondent's comments in a news article concerning the client's case. The respondent did not have the client's consent to divulge the confidential information to the reporter and the disclosures did not fall within Mass. R. Prof. C. 1.6(b)(1) or any other exception to confidentiality set forth in Mass. R. Prof. C. 1.6(b).

By revealing to the reporter confidential information relating to the representation without the client's consent, the respondent violated Mass. R. Prof. C. 1.6(a).

The respondent was admitted to the Massachusetts bar in 1989 and has no prior record of discipline. He received an admonition for his misconduct conditioned on his attendance at a CLE program designated by bar counsel.