

ADMONITION NO. 20-11

CLASSIFICATIONS:

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

Withdrawal without Protecting Client [Mass. R. Prof. C. 1.16d]

SUMMARY:

The respondent represented a client in a criminal proceeding in which the client was charged with arson of a dwelling house and the court allowed conditional release upon a determination as to dangerousness. The respondent decided to withdraw from the representation because of a breakdown in the attorney-client relationship following several communications from the client. Permission for withdrawal from employment was required by the rules of the tribunal. In filing his motion to withdraw, the respondent revealed the content of the communications from the client, characterizing those communications as “intense” and “violent in nature” and “escalat[ing] in nature”.

The communications were confidential information relating to the representation of the client. The respondent did not obtain his client’s consent to make the disclosures, and the disclosure of the communications and respondent’s characterization of them was not impliedly authorized or permitted by any exception to Mass. R. Prof. C. 1.6(b). Ultimately, the disclosure of the communications did not result in harm to the client.

By revealing confidential information relating to the representation of the client without informed consent, implied authorization, or pursuant to an exception under the rule, the respondent violated Mass. R. Prof. C. 1.6(a). By not taking steps to the extent reasonably practicable to protect the client’s interests on withdrawal, the respondent violated Mass. R. Prof. C. 1.16(d).

The respondent was admitted to practice in 1988. The respondent has no prior discipline. In this matter, the respondent received an admonition for the misconduct.