

**ETHICS OPINION NUMBER 95
OF THE MISSISSIPPI BAR
RENDERED JUNE 7, 1984
AMENDED APRIL 6, 2013**

CLIENT CONFIDENCES - An attorney may reveal confidences or secrets of his client when required by law or court order.

The Ethics Committee of the Mississippi Bar has been asked to render an opinion on the following question:

When a lawyer as a private litigant is ordered by the Court to reveal confidences and secrets of his client, which confidences and secrets the lawyer believes to have nothing to do with the pending litigation, may he do so without violating the Mississippi Rules of Professional Conduct?

The ethical implications of this subject are fully covered by Rule 1.6, MRPC:

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b).

(b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

...

(6) to comply with other law or a court order.

We note that Rule 502, Mississippi Rule of Evidence, provides the Lawyer-Client Privilege for evidentiary purposes. The determination of whether information is privileged or not is a question of law, not ethics, which is beyond the authority of this committee to address.

Resolution of this legal question is not necessary to our opinion, however. Rule 1.6, MRPC, provides that a lawyer may reveal confidences or secrets when required by law

or court order. When a rule of law or a specific court order requires the revelation of the confidences or secrets, even though the lawyer may believe they have nothing to do with the pending litigation, he is required to make those disclosures and his revelations are not inconsistent with the requirements of the Mississippi Rules of Professional Conduct.

It is the opinion of the committee that, while an attorney is not subject to disciplinary action for revealing confidences or secrets of a client under court order, he is nonetheless required to raise the issue of the confidentiality or secrecy of the information, and any attendant attorney-client privilege, in the proceedings where the disclosure is sought and to actively assert this confidentiality, secrecy, or privilege, by motion for protective order or other available procedural means.