

PaRPC 1.6. Confidentiality of Information

(c) ..**may** reveal... to the extent that the lawyer reasonably believes necessary:

...

(2) **to prevent the client from committing a criminal act** that the lawyer believes is likely to result in substantial injury to the **financial interests or property of another**;

(3) **to prevent, mitigate or rectify the consequences of a client's criminal or fraudulent act** in the commission of which the **lawyer's services are being or had been used**; or

Rule 4.1. Truthfulness in Statements to Others.

In the course of representing a client a lawyer shall not knowingly:

- (a) make a false statement of material fact or law to a third person; or
- (b) fail to disclose a material fact to a third person when disclosure is necessary **to avoid aiding and abetting a criminal or fraudulent** act by a client, unless disclosure is prohibited by Rule 1.6.

SPORTS

Rape Case Against Hockey Star Takes A Shocking Turn

BY [LINDSAY GIBBS](#)  SEP 23, 2015 3:08PM



“I do not have confidence in that version”

A GANNETT COMPANY

NEWS SPORTS LIFE MONEY TECH TRAVEL OPINION 68° CROSSWORDS MORE

Patrick Kane accuser's lawyer withdraws after concerns over evidence bag

Erik Brady, USA TODAY Sports 6:50 a.m. EDT September 25, 2015



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238

3

24

BUFFALO, NY / WGRZ

ACCUSER'S ATTY WITHDRAWS FROM KANE CASE

KANE'S SIDE RESPONDS ATTORNEY ANALYSIS OFFICER INJURED

USA TODAY

**A day after making evidence-bag claim,
lawyer for hockey star's accuser
abruptly quits**

9.25.15

*"... because of "fabrications" in the story of
how the alleged victim's mother found an
evidence bag at her home"*

When the irresistible force (duty
to disclose) meets

the immovable object (duty of
confidentiality)

Hypothetical

- Client – minister charged with sexual assault
- Of minors
- Who are in a youth group at minister's church
- Client has confidential blood test – HIV+

What do you do?

Confidentiality Gone Wild

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REDACTED v. REDACTED
Pa: Supreme Court, Middle Dist. 2015 - Google Scholar

REDACTED Appellant, v. **REDACTED** Appellees. No. 145 MAP 2014. Supreme Court of Pennsylvania, Middle District. March 2, 2015. ORDER, PER CURIAM. ... **REDACTED**. **REDACTED**. The Application to File Under Seal is GRANTED. ...
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REDACTED v. REDACTED
Pa: Supreme Court, Middle Dist. 2014 - Google Scholar

REDACTED Petitioner, v. **REDACTED** Respondents. No. 173 MM 2014. Supreme Court of Pennsylvania, Middle District. December 30, 2014. ORDER, Exhibit 1, PER CURIAM. ... **REDACTED**. **REDACTED**. **REDACTED**. The Application to File Under Seal is GRANTED. ...
Cite Save

REDACTED v. REDACTED
Pa: Supreme Court, Middle Dist. 2015 - Google Scholar

REDACTED Appellant, v. **REDACTED** Appellees. No. 145 MAP 2014. ... The Prothonotary is DIRECTED to make available, on a publicly-accessible entry, the present order, as well as the attached **redacted** versions of the appellate briefs filed by Appellant and Appellees. ...
Cite Save

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

NO. 145 MAP 2014

REDACTED,

Appellant,

v.

REDACTED,

Appellees.

**BRIEF OF *AMICUS CURIAE* ASSOCIATION OF
CORPORATE COUNSEL IN SUPPORT OF APPELLEES**

Amar D. Sarwal
Wendy E. Ackerman
ASSOCIATION OF CORPORATE
COUNSEL
1025 Connecticut Avenue, N.W.
Suite 200
Washington, DC 20036-5425
Telephone No.: 202.293.4103
Facsimile No.: 202.293.4701

*Counsel for Amicus Curiae
Association of Corporate Counsel*

Burt M. Rublin, Pa I.D. #32444
BALLARD SPAHR LLP
1735 Market Street
51st Floor
Philadelphia, PA 19103-7599
Telephone No.: 215.864.8116
Facsimile No.: 215.864.9783

*Counsel for Amicus Curiae
Association of Corporate Counsel*

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
ISSUE ON APPEAL	1
INTRODUCTION AND STATEMENT OF INTEREST	1
ARGUMENT	5
I. THE COMMONWEALTH COURT CORRECTLY HELD THAT COUNSEL FOR NON-PROFIT CORPORATIONS WHO BELIEVE CHARITABLE ASSETS ARE BEING UNLAWFULLY DIVERTED ARE PROHIBITED FROM REVEALING THAT INFORMATION TO THE AG	5
A. The Duty of Confidentiality Precludes Counsel From Disclosing Information Relating To Their Clients Except In The Narrow Circumstances Set Forth In Rule 1.6 Of The Pennsylvania Rules Of Professional Conduct	5
B. There Is No “Fiduciary Exception” To The Pennsylvania Rules Of Professional Conduct	11
CONCLUSION	19

ARGUMENT

I. THE COMMONWEALTH COURT CORRECTLY HELD THAT COUNSEL FOR NON-PROFIT CORPORATIONS WHO BELIEVE CHARITABLE ASSETS ARE BEING UNLAWFULLY DIVERTED ARE PROHIBITED FROM REVEALING THAT INFORMATION TO THE AG

A. The Duty of Confidentiality Precludes Counsel From Disclosing Information Relating To Their Clients Except In The Narrow Circumstances Set Forth In Rule 1.6 Of The Pennsylvania Rules Of Professional Conduct

It is well settled that “[t]he attorney/client relationship is one that is highly valued by society and protected in the law. The relationship between lawyer and client is as sensitive a relationship as can exist and demands absolute confidence on the part of the client in order to thrive.” *Nesselrotte v. Allegheny Energy, Inc.*, 2008 WL 2858401, at *1 (W.D. Pa. Jul. 22, 2008) (quoting *Klages v. Sperry Corp.*, Civ. A. No. 83-3295, 1984 WL 49135 (E.D. Pa. 1984)). Toward that end, this Court has recognized that attorneys

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**“What the hell did I do?
Killed them all, of course”**



Robert Durst

<http://www.nytimes.com/2015/03/16/nyregion/robert-durst-subject-of-hbo-documentary-on-unsolved-killings-is-arrested.html>

We don't really need Title IX
training for students, right?.....

We don't really need Title IX
training for students, right?.....
...oh, wait!



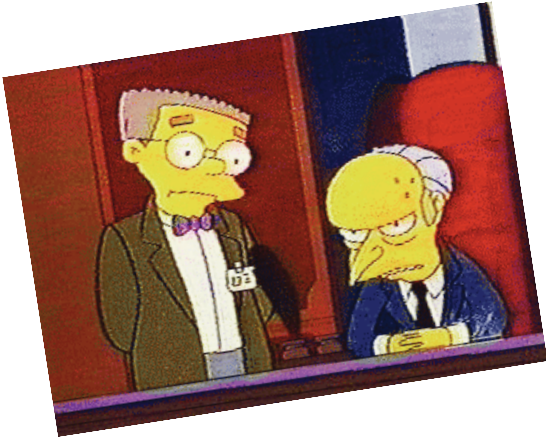
https://twitter.com/nerdbaitplus3/status/635166856882618368/photo/1?ref_src=twsrc%5Etfw 8.25.15



Why are THESE college signs - posted by WOMEN - okay?



But THESE college signs - posted by MEN - are sexist, offensive, etc?

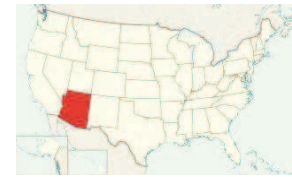


*Inability to deal with boss
not a disability,
and a new boss not an option*
(*Alsup v. U.S. Bancorp*, E.D. Cal., [16 ADD ¶16-101](#)).

"voice, mannerisms, physical stature, age, looks, domineering personality, and behavior exasperate[ed] and trigger[ed]" her

Expert: could not be "in the same proximity nor have any communication whatsoever" with him.

'Think of my name and squeal': Lawyer admonished for angry email exchange referencing 'Deliverance'



CLIENT: "...Now u can f— off!"

LAWYER: "F— you, you cheap ...you never had any intent to pay it anyway ...the next time I see or talk to you will be in court you loser."

CLIENT: "Bring it b-tch!"

LAWYER: "OK drug dealer—... think of my name and squeal—you mean nothing to me. **Check out the movie *Deliverance*.**"



http://www.abajournal.com/news/article/obscenity_laced_email_exchange_in_fee_dispute_leads_to_admonishment_for_ari/?utm_medium=email&utm_campaign=weekly_email&utm_source=maestro&utm_job_id=1502205 2.20.15



The UPS Store v. Hagen
SDNY 3/15

sprawling
behemoth
surplusage
larded
brims
irrelevant
redundant
masquerading
voluminous
breathtaking
madness
chokes
overwhelm

*labyrinthian prolixity of unrelated
and vituperative charges that defy
comprehension*

sanctions

http://www.abajournal.com/news/article/federal_judge_scolds_biglaw_lawyers_for_behemoth_pleadings_and_prolixity



But wait! It's 2015. Haven't we learned anything?

- "...All black people are alike. You're slovenly, ignorant."
- "I'm sick of you, you piece of sh*t."
- "Low class n---s. I'm going to have you all locked up."
- ".... Are you mentally challenged, you piece of sh*t? ...you've done in this, with your stupid Jew ass. Mother-f— you, how you f— my girl...."

[http://www.abajournal.com/news/article/lawyer left abusive f bomb ema
ils ethics complaint alleges he decries ridic](http://www.abajournal.com/news/article/lawyer_left_abusive_f_bomb_email_ethics_complaint_alleges_he_decries_ridic)



incompetent... grotesque

"... have never seen such an incompetent presentation of a damages case...,

It's not only incompetent, it's grotesque. ...

incompetent... grotesque

"... have never seen such an incompetent
presentation of a damages case.
It's not only incompetent, it's grotesque. ...

**7th Circuit Judge [POSNER] Blisters Lawyer for
'Grotesque' Damages Argument**

"So it's under oath. Big deal. If you're willing to violate the voting laws, I suppose you're willing to violate the perjury laws."

"Under oath is not proof at all. It's just a statement."



Justice Scalia:

“So it’s under oath. Big deal. If you’re willing to violate the voting laws, I suppose you’re willing to violate the perjury laws.”

“Under oath is not proof at all. It’s just a statement.”

<http://www.nytimes.com/2013/03/19/us/politics/supreme-court-justices-appear-divided-on-arizona-voting-law.html>

The Code of Conduct for United States Judges
does NOT apply to him.



Justice Scalia:

"So it's under oath. Big deal. If you're willing to violate the voting laws, I suppose you're willing to violate the perjury laws."

"Under oath is not proof at all. It's just a statement."

<http://www.nytimes.com/2013/03/19/us/politics/supreme-court-justices-appear-divided-on-arizona-voting-law.html>



99.1 Pa. Code: The hallmark of an enlightened and effective system of justice is the adherence to standards of professional responsibility and civility.



Bar applicant's litigation conduct, 'personal attacks and invective' are cited in law license denial



http://www.abajournal.com/news/article/bar_applicants_litigation_conduct_personal_attacks_and_invective_are_cited

<http://www.mass.gov/courts/docs/sjc/reporter-of-decisions/new-opinions/11846.pdf>

... “a person of vengeance, control, and intimidation ...,”

[his]“narcissism and myopic view of all relationships have resulted in his inability to note or appreciate the harm”

In [the SJC] he continued to “resort to personal attacks and invective,” ...

“ does not appear to be remorseful, or, for that matter, capable of reflecting on the consequences of his behavior.”



Bar applicant's litigation conduct, 'personal attacks and invective' are cited in law license denial

http://www.abajournal.com/news/article/bar_applicants_litigation_conduct_personal_attacks_and_invective_are_cited

<http://www.mass.gov/courts/docs/sjc/reporter-of-decisions/new-opinions/11846.pdf>

the law “an expressway to fraud,” ... “nothing but a compilation of frauds,” ... lie after lie for over six-and-a-half years.”

relationships have

“...I challenged the SJC’s own morality ... and their authority to judge anyone else’s morality.”

result

In [the SJC] he continued invective,” ...

“ does not appear to be remorseful, or, for that matter, capable of reflecting on the consequences of his behavior.”

LEGAL ETHICS

Judge who challenged public defender to fistfight is suspended without pay

POSTED OCT 06, 2015 04:25 PM CDT

BY TERRY CARTER

...[refused] to accept responsibility... called the recommendations "harsh" and said he was "dismayed"

referred to the PD as a "discredited witness."

The JQC [had called the PD] a "highly unlikable lawyer," often was rude, contentious and unprepared

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LEGAL ETHICS

Lawyer is ordered jailed for alleged sabotage of client's psychiatric exam

POSTED OCT 01, 2015 07:31 AM CDT

BY DEBRA CASSENS WEISS

[warned] a psychiatrist—in front of [a] teen client—that a mental health exam would “retraumatize” the girl and cause her to cry uncontrollably.

...

“The moment I asked her [about rape allegations], on a cue, she started crying, stopped answering the questions and that was pretty much the end of it,”

Home / Daily News / Lawyer is ordered jailed for alleged sabotage...

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on your tablet, laptop

LEGAL ETHICS

Lawyer is ordered jailed for alleged sabotage of client's psychiatric exam

POSTED OCT 01, 2015 07:31 AM CDT

BY DEBRA CASSENS WEISS

[warned] a psych exam would “re

...

“The mom started cry much the e



that a mental health cry uncontrollably.

rs], on a cue, she ; and that was pretty



What can I do?



... an attorney must not threaten disciplinary charges unless she has a good faith belief ...

An attorney must not issue a threat of disciplinary charges that has no substantial purpose other than to embarrass or harm ...or that violates other substantive laws, such as ... extortion.

NYC Bar Op 2015-05



PA RPC:

3.1 Meritorious claims and defenses. A lawyer shall not bring or defend a proceeding...unless there is a basis in law and fact... that is not frivolous

4.4 Respect for the rights of third persons. (a) ... shall not use means that have no substantial purpose other than to embarrass, delay or burden a third person.....

8.4 Misconduct. ...to (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation.



...if a **horse** is obstreperous, recalcitrant or more interested in every other activity other than training to be a racehorse, it behooves one to geld the horse.

This has an enormous impact on attitude.....





What can I do?

One Solution

*For obstreperous lawyer, client, judge,
provost, significant other*

1. Avoid eye contact

2. Say you're sorry

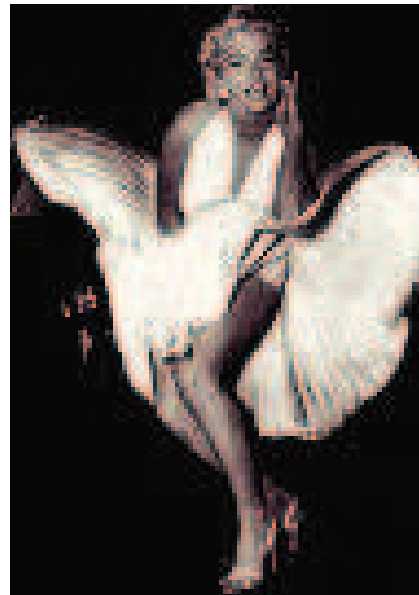
[even though you're not]

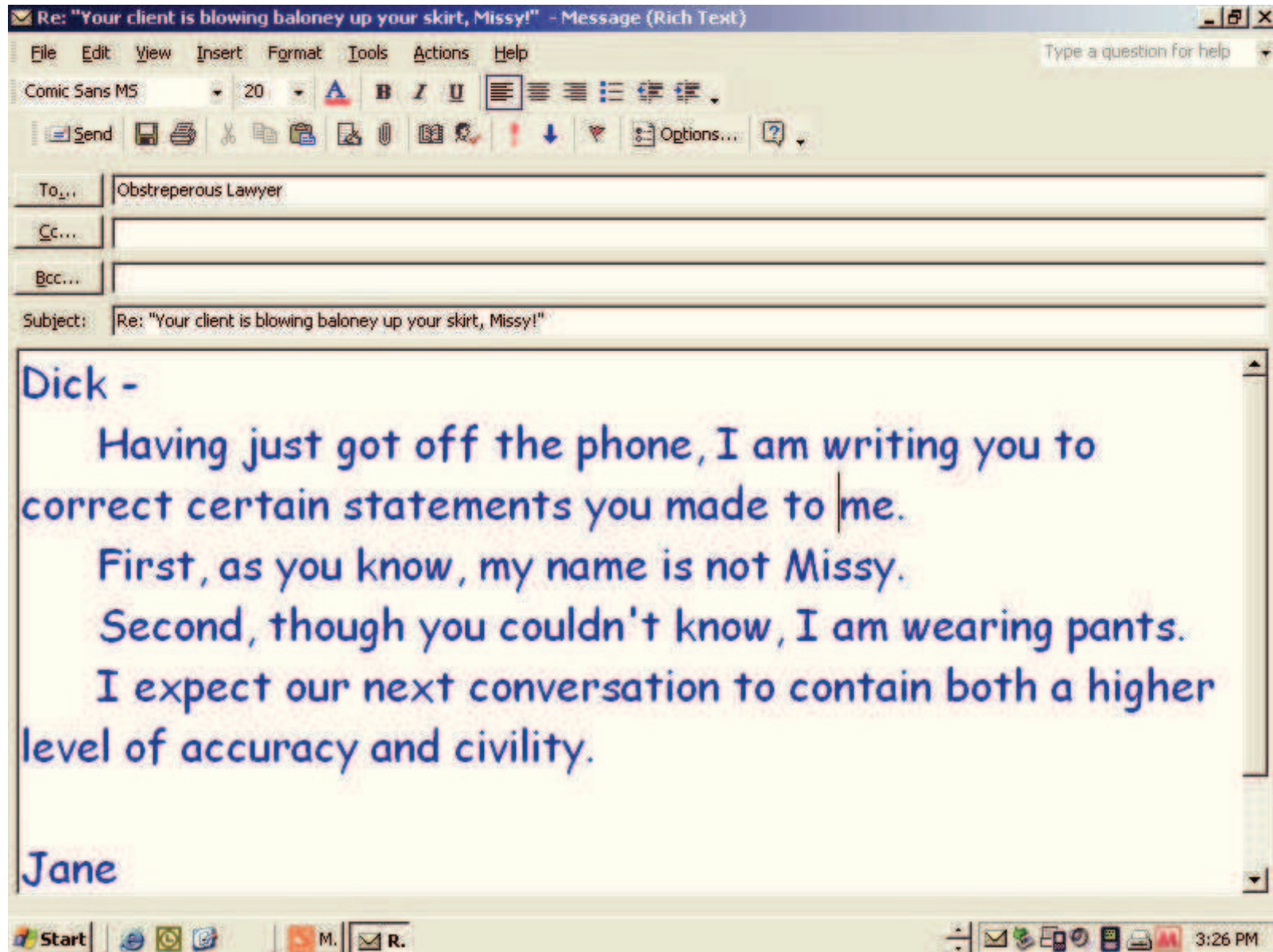
**3. Do what you know is
right**





*Your client is blowing
baloney up your skirt, Missy!*





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LEGAL ETHICS

Lawyer Who Wouldn't Stop Talking Suspended From Federal Practice

Posted Apr 30, 2006, 08:41 am EDT

By [Debra Cassens Weiss](#)