

Maryland Volunteer Lawyers Service Policy on Confidential Information

Applicant information obtained by MVLS staff, including office volunteers and interns, through intake and administration of each client's case is treated as confidential and will not be released to the public or any third party in the absence of an express written authorization or waiver of confidentiality by the applicant or client.

Applicants must demonstrate financial eligibility for pro bono representation through MVLS. Before being accepted into the program, each prospective client must complete a Statement of Financial Eligibility that requires the applicant to acknowledge and authorize MVLS to release this statement to MVLS funders who determine whether MVLS has complied with the funding agency's income eligibility guidelines.

Except in those situations where a client is represented by one of the MVLS staff lawyers, communications between its staff and applicants or clients in the intake and administration of cases may not be governed by the attorney/client privilege, but MVLS policy is to treat these communications confidential.

With respect to the volunteer attorneys and staff lawyers that enter into attorney/client relationships with our clients, the Maryland Rules of Professional Conduct require them to treat all information received from their clients in accordance with Rule 1.6:

Rule 1.6. Confidentiality of information.

- (a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraph (b).
- (b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary.
 - (1) To prevent the client from committing a criminal or fraudulent act that the lawyer believes is likely to result in death or substantial bodily harm or in substantial injury to the financial interests or property of another;
 - (2) To rectify the consequences of a client's criminal or fraudulent act in the furtherance of which the lawyer's services were used;
 - (3) To establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim, or disciplinary complaint against the lawyer based upon conduct in which the client was involved or to respond to allegations in any proceedings concerning the lawyer's representation of the client;
 - (4) To comply with these Rules, a court order or other law.

In the Statement of Financial Eligibility, completed by all applicants for legal services, each applicant expressly acknowledges and authorizes their volunteer attorney to respond to requests made by MVLS staff for information about the facts, progress, or outcome of the case.