# 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 determining 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 below. MVLS also expects all Certified Public Accountants and Enrolled Agents to treat information received from their clients in the same manner in accordance with this rule.

**Rule 1.6. Confidentiality of information.**

(a) An attorney shall not reveal information relating to 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 section (b) of this Rule.

(b) An attorney may reveal information relating to the representation of a client to the extent the attorney reasonably believes necessary:
(1) to prevent reasonably certain death or substantial bodily harm;

(2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the attorney's services;

(3) to prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the attorney's services;

(4) to secure legal advice about the attorney's compliance with these Rules, a court order or other law;

(5) to establish a claim or defense on behalf of the attorney in a controversy between the attorney and the client, to establish a defense to a criminal charge, civil claim, or disciplinary complaint against the attorney based upon conduct in which the client was involved or to respond to allegations in any proceeding concerning the attorney's representation of the client; or

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

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

*Updated and Approved by MVLS Board - September 10, 2022*