

Tech Ethics

**Ways that Lawyers Inadvertently
Compromise Clients' Confidential Information
In the 21st Century**

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25th Annual University of Texas School of Law

Conference on State and Federal Appeals

June 4-5, 2015

Four Seasons Hotel

Austin, Texas

TDRCP Rule 1.05(b) Confidentiality of Information

**Except as otherwise permitted in this
rule, "a lawyer shall not knowingly:
(1) Reveal confidential information of a
client or a former client. . . ."**

Rule 1.14(a) Tex. Disc. R. Prof. Cond.:

[C]lient property shall be . . . appropriately safeguarded.

Comment 1:

A lawyer should hold property of others with the care required of a professional fiduciary.

Ethics Opinion 648

Issued in April of 2015

The most important Ethics Opinion that you've never heard about because it is scheduled to be published in the June 2015 Texas Bar Journal in the next few weeks.

But you need to know about it now.

The question presented in EO 648 is whether “a lawyer may communicate confidential information by email.”

The Committee’s conclusion?

Under the Texas Disciplinary Rules of Professional Conduct, and considering the present state of technology and email usage, a lawyer may generally communicate confidential information by email. Some circumstances, may, however, cause a lawyer to have a duty to advise a client regarding risks incident to the sending or receiving of emails arising from those circumstances and to consider whether it is prudent to use encrypted email or another form of communication.

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Title search: Tech Ethics: Ways that Lawyers Inadvertently Compromise Clients' Confidential Information in the 21st Century

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First appeared as part of the conference materials for the
25th Annual Conference on State and Federal Appeals session

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